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# ELEMENTS of CIVIL GOVERNMENT

MOWERY

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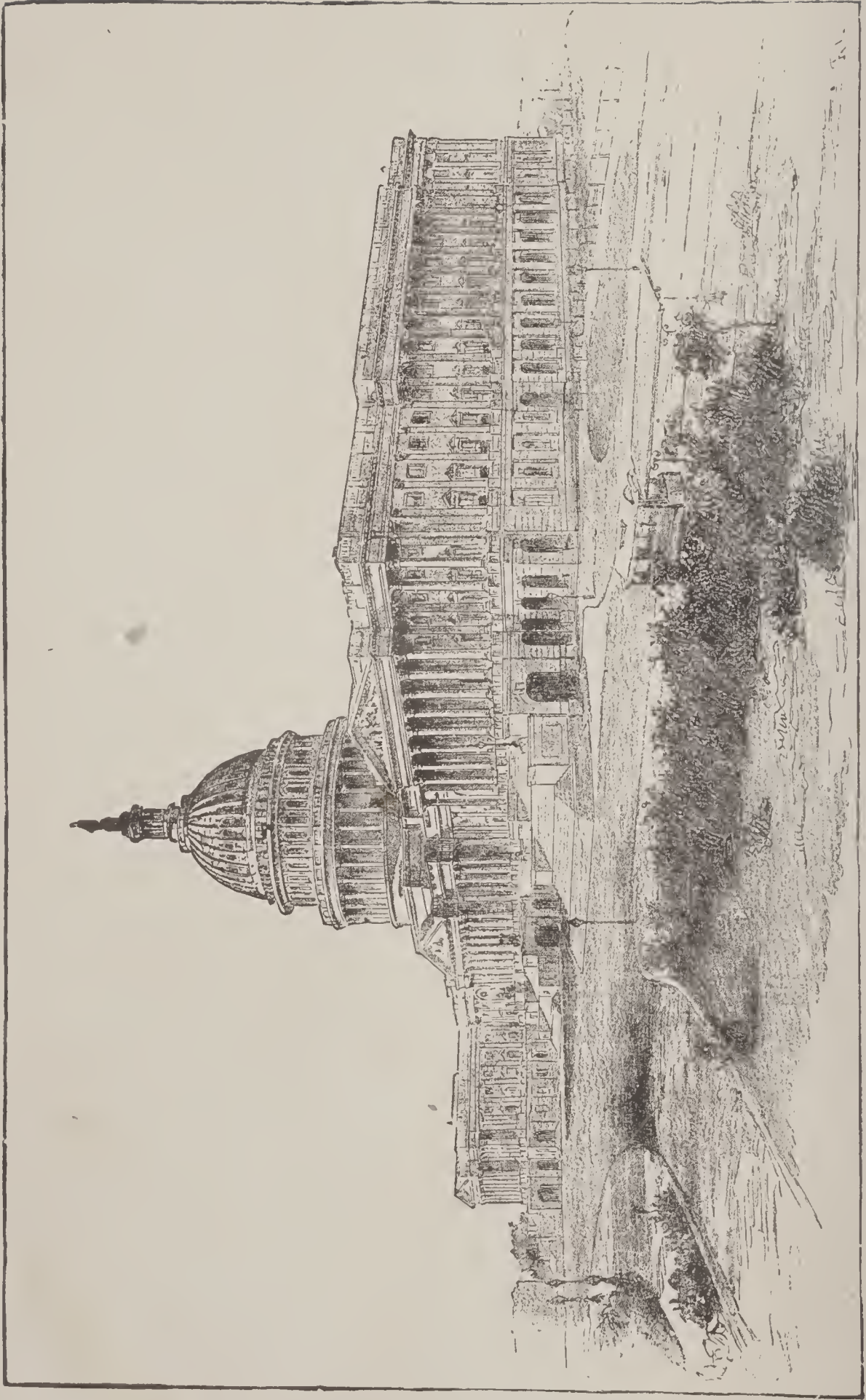
UNITED STATES OF AMERICA.











THE CAPITOL AT WASHINGTON.

*At end. Book's  
civil government  
of Minnesota*

ELEMENTS

OF

# CIVIL GOVERNMENT

LOCAL, STATE, AND NATIONAL

*A BRIEF COURSE FOR UNGRADED, GRAMMAR, AND  
HIGH SCHOOLS*

BY

✓  
WILLIAM A. MOWRY, PH.D.

EDITOR OF "EDUCATION"; FOR TWENTY YEARS THE SENIOR PRINCIPAL OF  
THE ENGLISH AND CLASSICAL SCHOOL, PROVIDENCE, R.I.; AND  
AUTHOR OF "STUDIES IN CIVIL GOVERNMENT"



*Minnesota  
2d. J.*

*See 2d part*

SILVER, BURDETT & CO., PUBLISHERS

NEW YORK

BOSTON

CHICAGO

1892

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1723  
1893

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## PREFACE.

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ONE of the most gratifying signs of the times is the increasing interest of late manifested in different parts of the country in the study of our Civil Government. This growing interest is seen in the multiplicity of books relating to this subject, its general discussion in the daily and weekly press and the monthly and quarterly magazines, the formation of Societies for Promoting Good Citizenship, and especially in the great increase in the introduction of the study of Civil Government into the public and private schools, academies, and colleges in all parts of the country. It is doubtless true to-day that the study is carefully pursued in many high, grammar, and ungraded schools in every state in the Union. It should be, in every school in the country where there are pupils above thirteen years of age.

Our public school system is maintained upon the principle that the safety of free institutions demands intelligence on the part of every citizen. If the property of the state is to be taxed to educate the children of the state, it surely follows of necessity that the principles, methods, powers, and duties of the government, and the relation of the parts to each other and to the whole,



as well as the duties and privileges of the citizen, should be studied in these schools.

We have many treatises upon the Constitution of the United States, and text-books of a higher grade for the study of Civil Government in high schools, academies, and colleges, — books so extended and complete that a full year is required to master them; but it is everywhere felt that a suitable book is very much needed for ungraded and grammar schools, and for high schools in the smaller towns and cities, where time cannot be found for an extended study of the subject. Moreover, it is found that many of the text-books are written for older and more mature pupils, thus being entirely above the reach of the younger and more immature minds in the schools just mentioned.

It is the hope of the author that this book will be found well adapted for the purpose above indicated. It attempts to discuss, in a brief and elementary manner, the foundation principles and general facts of our government, local, state, and national, in language easily understood by pupils from twelve to sixteen years of age, and at the same time without making the silly and futile attempt to degrade the dignity of the subject to the language and style of the primer, the first or the second reader. This subject can scarcely be studied to advantage by primary scholars, but it can be pursued with entire success by nearly all boys and girls who have studied arithmetic to percentage, and who can comprehend the good English of a fourth reader.

It is believed that the plan of this elementary treatise will commend itself to teachers everywhere. It is analytical and topical. It includes, —

1. Town Governments.
2. City Governments.
3. County Governments.
4. State Governments.
5. The National Government.

It introduces the history of the early settlements and the colonies, the formation of the state and national governments, and the rapid and marvellous growth of the republic.

It gives topical analyses for blackboard work, and general outlines for reviews.

This book is not designed to take the place of the author's "Studies in Civil Government," but its purpose is to furnish a shorter course, which can be used in schools where younger pupils can spend from three to six months in the study of an elementary book, but would find the larger and more mature treatise too extensive and too difficult.

The author takes this opportunity to express his grateful appreciation of the cordial reception and extended introduction given to his former book, entitled "Studies in Civil Government," which in two years has passed through four editions, and is now in extensive use in all sections of our common country. That book has just been thoroughly revised, and the necessary

changes made to adapt it to the present condition of our state and national governments.

It may not be improper to add that these two books have not been made at the study table merely, but have grown out of twenty-five years of practical teaching, in which the author has had a class every year in this subject, and that not a few men now prominent in both public and business life have expressed the conviction that this study has proved of greater interest and of more practical value to them than that of any other subject of their entire school curriculum.

The author desires to express the hope that this brief treatise may serve to promote a higher appreciation of, and a stronger love for, our free institutions and our liberal government "of the people," to the end that they may be perpetual.

WILLIAM A. MOWRY.

DORCHESTER, May 1, 1890.

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ELEMENTS OF CIVIL GOVERNMENT.

## BLACKBOARD OUTLINE.



### GOVERNMENT.

**1. Local.**

Town, Township, or County.

**2. State.**

At first thirteen states, now forty-four.

**3. National.**

A true republican government of confederated states.

## *PART FIRST.*

### LOCAL AND STATE GOVERNMENTS.



### CHAPTER I.

#### INTRODUCTORY.

WE live in a republic. Our country is called the United States of America. It extends from the Atlantic Ocean on the east, across the Valley of the Mississippi River, over the Rocky Mountains to the Pacific Ocean on the west. On the south is the Gulf of Mexico and the republic of Mexico; on the north is British America; then far to the northwest beyond British Columbia is Alaska, which also belongs to the United States. We have forty-four states, six territories, and the District of Columbia in which is the city of Washington, the capital of our country.

All the people in this broad country are citizens under one government. This is called the Na-

tional Government. This National Government is divided into three parts, called the Legislative, the Executive, and the Judicial departments.

The legislative department consists of a Congress of the United States, which includes two branches, the Senate and the House of Representatives.

The executive power is invested in one man called the President of the United States.

The judicial department comprises a series of Courts, including the United States District Courts, the United States Circuit Courts, and the Supreme Court of the United States.

There are in this country subject to this one government more than sixty millions of people. This is the largest, most prosperous, and most powerful republic in the world. We ought to be thankful that we live under a good government and that our nation is large, and strong, and powerful.

By and by we shall want to study the history of this government, when and how it began, and how it has grown to its present prosperous condition; but before taking up this subject, let us consider some other matters. We live not only in a republic but in a commonwealth. We are not only citizens of the United States, but we are citizens of the state of ———

Every state has a government of its own. This government consists, like the National Government, of the Legislative, Executive, and Judicial departments. The legislative department, usually called the State Legislature, includes a Senate and a House of Representatives. The executive officer of the state is called the Governor. The courts of the state include local courts, — that is, Police Courts or Justice Courts, — County Courts, for the trial of civil and criminal cases, and the Supreme Court of the State.

Again, we are not only citizens of the United States, and citizens of our state, but we are citizens of the town or city in which we live. So we have a third kind of government, a local government, that is, the government of our town or city. It will be necessary, therefore, in our study of Civil Government, to keep constantly in mind that we are subject to our local government, to the laws of the state and to the laws of the United States. In all matters that relate to local affairs the town or city government has full power; in another set of subjects, relating to the general good of the people of the commonwealth, the state government has full control; but in everything which concerns the nation at large, the authority is vested in the National Government.



In Emerson's beautiful little poem of the mountain and the squirrel, he makes the little rodent say to the mountain, "If I cannot carry a forest on my back, neither can you crack a nut." Each has its place and its duties and the other cannot interfere.

The term "state sovereignty" is a misnomer. There is no such thing, and cannot be in a republic. Indeed there is—in the true sense of the word—no "sovereignty" in a republic, for there is no "sovereign." It is only by a figure of speech that we say "the people are sovereign." The township cannot interfere with the state or the nation, neither has the state or the nation the right to infringe upon the powers or prerogatives of the town.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is a republic?
2. Describe the republic we live in.
3. How many square miles does it contain?
4. Citizens of towns, city, or county, of state and of nation.
5. Legislative department — law-making.
6. Executive department — enforcing.
7. Judicial department — interpreting.

## BLACKBOARD OUTLINE.



### TOWN OFFICERS.

- |  |                           |
|--|---------------------------|
| 1. Moderator.                                | 5. Assessors.             |
| 2. Town Clerk.                               | 6. Constable.             |
| 3. Town Treasurer.                           | 7. School Committee.      |
| 4. Selectmen.                                | 8. Overseers of the Poor. |
| 9. Highway Surveyors, or Road Commissioners. |                           |

### CITY OFFICERS.

- |                           |                               |
|---------------------------|-------------------------------|
| 1. Mayor.                 | 6. City Clerk.                |
| 2. Aldermen.              | 7. City Treasurer.            |
| 3. Councilmen.            | 8. City Solicitor.            |
| 4. School Committee.      | 9. City Auditor.              |
| 5. Overseers of the Poor. | 10. City Marshal, and others. |

### COUNTY OFFICERS.

- |  |                       |
|--|-----------------------|
| 1. County Commissioners.                   | 5. County Sheriff.    |
| 2. County Treasurer.                       | 6. Coroner.           |
| 3. County Auditor.                         | 7. District Attorney. |
| 4. County Registrar.                       | 8. County Assessors.  |
| 9. County School Commissioner, and others. |                       |

## CHAPTER II.

### LOCAL GOVERNMENT.

#### SECTION I. — THE TOWN.

THE town is the local unit of government. The town government in this country originated in New England. In the new states of the west different circumstances have produced a different condition of local government. In the early settlements of New England a town included a little territory, generally with a central village and outlying farms scattered here and there. The people of this territory formed a compact settlement by itself and constituted a little democracy, where all the people came together in town meeting and made laws for themselves, assessed taxes, ordered roads built, schools to be supported, and determined by a majority vote whatever seemed best for the well-being of the little settlement.

These towns were grouped together in a colony, and the colonists were, at that time, subject to Great Britain. The first town meeting in America was held in Dorchester, Massachusetts,

in the year 1633. It was then established as an institution for that town. The citizens voted that the meeting should be held monthly, and that all matters relating to the welfare of the town were to be determined by a majority vote, the minority yielding their preferences and agreeing to be governed by the majority. Other towns followed this example and established town meetings the next year, 1634.

The establishment thus early in the history of our country of the town meeting has proved the source of much of our freedom at the present time in state and nation. In the newer settlements in the west covering greater areas of territory, generally without the nucleus of a village, the township, as the people call it there, is of less importance, while much of the local government is necessarily administered by counties. In some parts of the west and south the town has no existence, the local government being by counties. In other sections there are both towns and counties, but the county in many parts is of the greater importance.

## SECTION II. — TOWN OFFICERS.

A town meeting must be legally called. Notices are posted in accordance with law, stating distinctly the business, article by article, which is



to be transacted by the voters of the town in the meeting. At the *annual* town meeting the various officers of the town are elected. In some states the voting for the principal town officers must be by ballot. The meeting is called to order by the town clerk, then the warrant is read and a moderator is elected. It is the duty of the moderator to preside at the meeting, to put all motions, declare the vote, to see that everything is done in proper legal form, and to preserve order.

The officers of a town include a town clerk, treasurer, selectmen,—or, as they are termed in some states, the town council,—assessors of taxes, constable, collector of taxes (in many cases the constable is collector of taxes, and in some states the town treasurer acts as such), school committee, overseers of the poor, road commissioners or highway surveyors, and sometimes other officers, differing in different states.

Besides the appointment of town officers the voters assembled in town meeting levy taxes, and make apportionments of money for school purposes, highways, the support of the poor, and for such other purposes as may seem necessary, such as street lights in thickly settled portions of the town, fire engines, bridges, and various other matters.

**Town Clerk.**—It is the duty of the Town

Clerk to keep the records of all business done in the town meetings during the year for which he was elected, to keep records of births, marriages, and deaths in the town, and perform such other duties of a like nature as the law requires.

**Town Treasurer.** — It is the duty of the Town Treasurer to keep safely all moneys intrusted to him, receiving the town's money from the Collector of Taxes, from the debtors of the town in payment of bills due to the town, moneys received from the state for specified purposes and from any other sources from which the town may receive money. He is to pay out this money on the orders of the proper town officers in accordance with law, and in payment of bills against the town when certified or audited by the proper officers. The Town Treasurer is also required to look after the invested funds of the town, receiving the interest or income from such funds, and making a report as occasion may require from time to time to the town meeting or to the Selectmen.

**Selectmen.** — The Selectmen or Town Council, or, as they are called in some states, trustees of townships, have the general charge of the executive business of the town. They call the town meetings. In many states they receive and count the votes for state and national offi-

cers, they act as a board of health, where a board has not been appointed, they lay out highways, appoint certain minor officers, they represent the town in suits at law, they draw jurors, in some cases grant licenses, and do many other things, some of which differ in different states.

**Assessors of Taxes.** — It is the duty of the Assessors of Taxes to make an inventory of all the real estate in the town with the names of the owners thereof, of all personal property and owners, and make a list of the names of all persons against whom a poll tax is levied. The town having voted the amount of tax to be raised, the assessors will subtract from this sum the amount of all poll taxes, and then determine the percentage which is necessary to raise the remainder of the required tax from the total taxable property of the town. The tax list is then turned over to the Collector, whose duty it is to notify each person what his tax is and demand payment thereof. This notice usually states when and where the tax may be paid, and if not paid within the time allowed by law, then the Collector must institute measures in accordance with law for its collection from the property assessed.

**Constable.** — It is the duty of the Constable, like a police officer, to make arrests in accordance with law of persons charged with crime. A Con-

stable having arrested a person will hold him as prisoner and convey him to a safe place of detention, keeping him in custody until he shall have a trial and be acquitted or sent to jail. It is the duty of the Constable also to serve warrants and writs, summon witnesses, and to perform all such duties as are laid upon him by law.

**School Committee.** — Our people maintain in all the states and in all the territories a system of free schools. These schools are not established and maintained by national authority, but by state and territorial laws. In some states the schools are sustained by the state government, under uniform state laws, the state holding in its hands absolute control of all public schools within its jurisdiction. In such cases the state provides for the appointment generally of county superintendents and county school boards, the township having but little jurisdiction in the matter. In most of the older states, in the eastern part of the country, the township system prevails. In this section the state usually has a Board of Education and makes laws concerning the schools and their general management, but leaves the particular care of them to the towns. In such cases there is usually a state appropriation for school purposes, and another appropriation by each town, according to its needs. In this case the schools



of the town are placed under the control of the School Committee elected by that town. This Committee usually consists of three or more persons, generally an odd number, who, in accordance with the laws of the state, have the entire management and control of the public schools. In most states having School Committees they examine the teachers, grant them certificates, fix the rate of wages, approve the bills for payment, build, repair, and keep in order the school-houses, arrange courses of study, examine the schools, determine rules and regulations for them, etc.

**Overseers of the Poor.** — These officers have charge of the poor people belonging in the town, who have no relatives to support them, making proper arrangements for their support, either in the almshouse — sometimes called the poor-house — or boarding them in private families. In some cases this duty is assigned to the Selectmen.

**Road Commissioners or Highway Surveyors.** — These officers have charge of all the necessary repairs on the highways and of the building of new roads when ordered by the town.

The duties of other town officers need not be specified.

Herrick's "Powers and Duties of Town Officers in Massachusetts" gives the following as the law in that state concerning town meetings:

“Every town meeting shall be held in pursuance of a warrant under the hand of the selectmen, directed to the constables or to some other persons appointed by the selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by the by-laws or by a vote of the town. The selectmen may by the same warrant call two or more distinct town meetings for distinct purposes.

“The warrant shall express the time and place of the meeting, and the subjects to be there acted upon; the selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation, unless the subject-matter thereof is contained in the warrant.”

The following is the form of the warrant for calling the Annual Town Meeting in the state of Massachusetts:—

#### WARRANT FOR CALLING THE ANNUAL TOWN MEETING.

E—, ss. To either of the Constables of the town of B—, in the said county, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the town of B— qualified to vote in elections and in town affairs, to meet at the Town Hall in said B—, on — the



—— day of —— next, at —— o'clock in the forenoon, then and there to act on the following articles : —

1. To choose a moderator to preside in said meeting.
2. To choose all necessary town officers for the year ensuing.
3. To hear the annual report of the selectmen, and act thereon.
4. To raise such sums of money as may be necessary to defray town charges for the ensuing year, and make appropriations of the same.

And you are directed to serve this warrant, by posting up attested copies thereof, one at the Town Hall, and one at each of the public meeting-houses in the said town, fourteen days at least before the time for holding said meeting. The polls will open at —— o'clock, A.M., and will close at —— o'clock, P.M.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this —— day of ——, in the year one thousand eight hundred and——.

SELECTMEN OF B——

[NOTE TO THE TEACHER. — Object lessons are the most effective of all lessons. It is the practice of some of our best teachers to have the scholars conduct a mock town meeting. Previous to the day on which the town meeting is held, the teacher should write off, or have written, a warrant, which should be posted in some convenient place in the school-house, signed by the selectmen, previously appointed from the scholars by the teacher. A town constable and a town clerk should also be previously appointed ; — the constable to post the warrant and make returns thereon, and the town clerk should call the meeting to order, and preside until a moderator be elected.

On the day the town meeting is held, the school should organize and carry through the forms of such a meeting according to the warrant already posted. If it be an Annual Town Meeting, let the town officers be elected by ballot, let the business of the town, as embodied in the warrant, be conducted in order, and the meeting finally adjourned.

Any skilful teacher who has a few bright scholars in the school (and what school has not?) will find this practice of holding town meetings or of holding mock courts, or a Legislative Assembly, as the House or the Senate, to be of much interest and of great value to the school.]

### SECTION III. — CITIES.

When the population of the town becomes so large that it would be difficult to transact public business in the town meeting, it is customary all over the country for the town, by a majority vote, to apply for a city charter. In some states a special act of the Legislature is necessary to grant a charter for the new city. In other states a charter may be obtained, under circumstances defined by law, from the officers of the state in accordance with a general statute for the incorporation of cities. This charter must be accepted by a majority of the legal voters at the town meeting called for that purpose. The charter defines the duties of the several officers to be chosen under it.

**The City Government.** — The City Government is vested in the Mayor and the City Council. The Council may consist of two bodies, (1) a

Board of Aldermen and (2) a larger board called a Common Council, or it may consist of but one body, a Board of Aldermen and no Council, or a Council and no Board of Aldermen.

The Mayor is elected by the voters of the whole city. The Aldermen are in some cases elected by wards and in others on a general ticket for the whole city. The members of the Common Council are usually elected by wards.

The city, like the town, has its school committee, assessors of taxes, overseers of the poor, clerk, treasurer, collector of taxes; and it usually has a superintendent of streets, officers of the fire department, a city solicitor, a city physician, auditor, city marshal or chief of police, and sometimes other officers. Many of these officers are appointed by the City Council rather than elected by the people.

**Mayor.** — The Mayor is the executive officer of the city. He must see that the laws are enforced, and that subordinate officers are faithful in their duties. He makes recommendations to the City Council. Usually he has a veto power over the Council similar to the veto power of the Governor over the legislature. The Mayor in some cases is considered as a member of the Board of Aldermen, and presides over them. In other cases he presides over them but has only

the casting vote. In other cases still he is not connected with the Board of Aldermen.

**The Aldermen.** — The Board of Aldermen have powers and duties corresponding to those of the selectmen in the towns. They draw jurors, issue warrants for ward meetings, and in legislative matters have joint power with the Common Council.

**City Council.** — The City Council, whether consisting of one body or of two, have the power to fix the salaries of officers, to levy taxes, borrow money, make appropriations for the various departments of the City Government, and in general to care for the public interests of the city. The City Council pass what are called ordinances relating to public matters, like the construction of sewers, the erection of buildings, obstruction of streets, prevention against fires, punishing vagrancy and truancy, and whatever is needful for the preservation of property, the public health, and the general well-being of the city.

The town organization, as has been seen, is a democracy, while the City Government is representative. The executive power of the mayor and aldermen in the city corresponds to that of the selectmen in the town. The legislative power in the city is found in the City Council instead



of the whole body of voters as in the town. The City Council elects inferior officers instead of the people as in the town. In the city, voters meet in districts or wards for the election of officers, while in towns all the voters usually meet in one body. In some instances, however, large towns have been divided into voting precincts.

#### SECTION IV. — COUNTIES.

The state is divided for convenience in local government into counties, or into counties and towns. In the south and some portions of the west, the states are only divided into counties. In New England and some of the Middle and Western States, the counties are sub-divided into towns or townships. The division into counties is found in every state except Louisiana, which is divided into parishes.

In all states where the counties are divided into towns, the town is the unit of government, and in some states more important than the county. Where the counties are not thus divided, the county is the unit of government. Where towns exist, the local government is divided between the county and the town. Both counties and towns are corporations.

**County Commissioners.** — In most of the states, but especially in those states where the local gov-

ernment is vested in the county rather than the town, the chief executive officers for the counties are called County Commissioners. In some states there are officers called supervisors, and the supervisors of the several towns in the county form a board of supervisors for that county. These boards have the care of the public property of the county and attend to all matters of building or repairing public buildings, such as the courthouse and county jail. In those states where no towns are found, or where the county officers have more political power than those of the towns, these county boards or county commissioners exercise large powers with regard to schools, taxes, highways, bridges, etc.

**County Treasurer.** — Each county has a Treasurer who has the custody of all moneys belonging to the county, receiving the funds and paying them out as required.

**County Auditor.** — In some states there are officers called County Auditors, whose duty it is to examine and certify bills against the county.

**Recorder or Registrar of Deeds.** — In most states each county has a Recorder or Registrar of Deeds, whose duty it is to keep permanent records of all deeds, mortgages, and other written instruments which are required by law. In a few states these records are kept by the town clerks in the several towns.



**Sheriff.** — Each county has a Sheriff, or, as in some states, a Deputy Sheriff, to distinguish him from the High Sheriff. It is the duty of the Sheriff to execute all warrants, writs, and other processes intrusted to him by the courts, to arrest persons accused of crime, and to have charge of the county jail and its prisoners.

**Coroner.** — It is the duty of the Coroner to inquire into the causes of the death of persons who have died suddenly or by violence. The Coroner summons a jury, who examine witnesses and give their opinion in writing as to the manner and cause of the person's death. This is called a Coroner's inquest.<sup>1</sup>

**District Attorney.** — It is the duty of the District Attorney to conduct the prosecution in all courts of the county in which persons are tried for crimes. He is sometimes called the prosecuting attorney or the state's attorney.

**Assessors.** — Wherever the taxes are assessed and collected by counties instead of by towns, the counties have Assessors and Collectors of Taxes. Their duties have already been described. There are also county Surveyors and other officers differing in different states.

**School Commissioners or Superintendents.** — In a large number of states the public schools are managed by counties. In such cases the county

<sup>1</sup> In Massachusetts, where there is no Coroner, the inquiry is made by a "Medical Examiner," and the inquest is held by a court or trial justice.

has a School Commissioner or a Superintendent of Schools, whose duty it is to examine teachers, visit the schools, and attend to general matters relating thereto, but only as directed by the laws of the state. In some states there are county boards of education, differently constituted, who have under their care the interests of the public schools.

These various county officers may be considered as belonging to two classes in respect to their jurisdiction. Some of them are the representatives of the county only, while others are considered as state officials, but exercise their power only in their own county. The County Sheriff arrests a man for crime, but as the crime is fixed by state law, it is considered that the state arrests the man; yet this arrest is made by the agent of the county. So when the district attorney prosecutes him, it is in the name of the state whose law he has violated. But the county commissioners, or the recorder, or county treasurer act only for their county, and in no sense in the name of the state

#### SECTION V. — EDUCATION.

Perhaps no department of our government is of more importance than our system of public schools. Although these are supported and regu-

lated by the state, yet they are substantially local institutions and may properly be treated in this place.

Monarchies do not necessarily rely on the intelligence of the people for the preservation of their form of government, but a republic is made secure only by the intelligence and morality of all the people. It is generally agreed that intelligence, enterprise, thrift, and virtue are essential elements for a popular government. It would be unwise and dangerous to the state for us to allow any portion of our people to bring up their children in ignorance or vice.

The public school began its history in this country in New England. The Boston Latin School dates from 1635. Harvard College was founded, partly by private gifts and partly by the government of Massachusetts Bay, in 1636. The town of Dorchester established the first public school which was supported by taxation in 1639. From this time onward the district school in New England became an important institution, so that long ago it was considered one of the boasted products of New England.

When the territory northwest of the Ohio River was first settled, many of the pioneers went from the Eastern States. They carried with them and established in that section the New England

system of public schools. This institution has since prevailed in all the great northwest and in the states upon the Pacific coast, and since the late war it has been established by law in every southern state. All the organized territories have also established for themselves public schools. We have then to-day a system of public schools prevailing in every state of the Union, in every organized territory, and in the District of Columbia. The laws relating to the schools, as well as their management, differ greatly in different states. In New England, where they first started, much is left to the people of each town. The state has a Board of Education and a Superintendent of Public Instruction. In some states this officer is called a Commissioner of Education, in others he is termed the Secretary of the Board of Education. The state makes laws for the government of the schools, and apportions a certain sum of money among the several towns, but each town levies a tax upon its inhabitants and their property for school purposes.

In the west and the south the states have a more direct management of the schools, exercising a more immediate control over them. Many states have school funds to aid in supporting their public schools. In those states where the counties are not divided into townships, the schools are county



schools, usually divided into districts for schools of the lower grades, but having one or more county high schools.

In some states public schools are largely elementary in their character, but a majority of the states carry public instruction through a high school course. Many of the Western States maintain also state universities, in which any young person belonging in the state can have free instruction through a liberal course of college or university study.

**Private Institutions of Learning.** — In addition to the public schools, all sections of our country maintain many private institutions of learning. There are private schools — primary, grammar, and high — in most of our large towns and cities. Many academies and seminaries have been founded and endowed by benevolent persons, where an excellent education can be obtained at moderate expense. Colleges and universities are numerous in all parts of our country. Many of them are well endowed with large funds, enabling them to give a liberal education at a small part of its actual cost. Of late, parochial schools have been established by the Roman Catholic Church in large numbers in different sections of the country. The different Protestant denominations have, to a greater or less

extent, denominational schools here and there, of various grades. Perhaps there is no country in the world where the opportunities for every one to obtain a good education are more widespread than in the United States of America.

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### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

#### TOWNS.

1. Give an account of the early New England town.
2. Western towns. Why are the towns in some sections of less relative importance than in New England?
3. Town meeting — importance.
4. Town officers — how elected.
5. Duties of Town Clerk.
6. Duties of Town Treasurer.
7. Duties of Selectmen.
8. Duties of Assessors.
9. Duties of Constable.
10. Duties of School Committee.
11. Duties of Overseers of the Poor.
12. Duties of Road Commissioners.
13. What preliminaries are needed before a town meeting can be legally organized?
14. What can be done legally in a town meeting?

#### CITIES.

15. What is a city charter?
16. How obtained?



17. Difference between a town government and a city government.

18. How is the Mayor elected?

19. Duties of Mayor.

20. Duties of Aldermen.

21. Duties of Councilmen.

#### COUNTIES.

22. Where are counties of the most importance? Why?

23. What state has no counties?

24. When are counties units of government?

25. Duties of County Commissioners.

26. Duties of County Treasurer.

27. Duties of County Auditor.

28. Duties of Recorder.

29. Duties of Sheriff.

30. Duties of Coroner.

31. Duties of District Attorney.

32. Duties of Assessors.

33. Duties of School Commissioners.

34. Write an essay upon our system of public schools.

[Let different pupils take different topics concerning public schools, e.g.: (1) Why is it right or just to tax all the property to support public schools? (2) The necessity of compulsory education. (3) Should the state support high schools? (4) Should it support colleges? (5) Advantages and disadvantages of private schools. (6) Advantages of graded schools. (7) Why should we learn to read? (8) Is it a disgrace to be a poor speller? (9) Is it any credit to be a good speller?]

## BLACKBOARD OUTLINE.



### DEPARTMENTS OF GOVERNMENT.

- |                |  |               |
|----------------|--|---------------|
| 1. Legislative |  | 2. Executive. |
| 3. Judicial.   |  |               |

#### LEGISLATIVE DEPARTMENT.

- |               |  |                |
|---------------|--|----------------|
| 1. The House. |  | 2. The Senate. |
|---------------|--|----------------|

#### EXECUTIVE DEPARTMENT.

- |                  |  |                             |
|------------------|--|-----------------------------|
| 1. The Governor. |  | 2. The Lieutenant-Governor. |
| 3. The Council.  |  |                             |

#### OTHER EXECUTIVE OFFICERS.

- |                        |  |                                 |
|------------------------|--|---------------------------------|
| 1. Secretary of State. |  | 5. Surveyor-General.            |
| 2. Treasurer.          |  | 6. Commissioner of Public       |
| 3. Auditor.            |  | Schools.                        |
| 4. Attorney-General.   |  | 7. State Librarian, and others. |

#### THE STATE COURTS.

- |                    |  |                   |
|--------------------|--|-------------------|
| 1. Justice Courts. |  | 3. County Courts. |
| 2. Police Courts.  |  | 4. Supreme Court. |

## CHAPTER III.

### STATE GOVERNMENTS.

#### SECTION. I. — THEIR ORIGIN.

WHEN the War of the Revolution commenced, it united thirteen English colonies, which were located along the Atlantic coast of North America, in rebellion against the British government. On the 4th of July, 1776, these colonies, through their delegates assembled in the Continental Congress, declared themselves independent of the mother country, and published to the world their intention of taking their place as one of the nations of the earth. The several colonies at that moment became states. They immediately adjusted their government in accordance with the new conditions under which they were placed. On that same day began the new nation of the United States of America, and the separate existence of each state as a state in the Union. One after another of these states formed a written constitution for itself, some just before, the others after the Declaration. These were termed state constitutions. Every one of the present forty-

four states has a written constitution, which was formed by a convention of the people, and which has been adopted by a majority vote.

Virginia was the first state to adopt a constitution, June 29, 1776. On the 2d of July, New Jersey adopted a constitution. These two were prior to the Declaration of Independence. Before the end of that year, Maryland, Delaware, Pennsylvania, and North Carolina had adopted constitutions. In 1777 Georgia, New York, and Vermont adopted constitutions, although Vermont was not admitted into the Union as a state until 1791. South Carolina adopted her constitution in 1778, Massachusetts in 1780, and New Hampshire in 1784.

Connecticut and Rhode Island continued their governments under their former charters received from the king. The charter of Connecticut dated from April 20, 1662, and it served as a constitution for that state until the year 1818. The charter of Rhode Island went into operation July 8, 1663, and that little state retained it as her constitution until the year 1842, when she adopted a state constitution. At the time that charter was superseded by the new constitution (1842), it was the oldest written constitution then in force in the world.

These various state constitutions all contained substantially: —

1. A Bill of Rights.
2. An Executive Department.
3. A Legislative Department.
4. A Judicial Department.

## SECTION II. — THE LEGISLATIVE DEPARTMENT.

The Legislative Department makes the laws for the state, but the state laws must not conflict with the constitution of the state nor the constitution of the nation. The state laws relate to matters of justice, equity, and rights, concerning the dealings of the citizens with each other and with the state. They provide for the organization of corporations, the establishment and support of educational and charitable institutions, and make all needed regulations for the prosecution and punishment of crime. In general, the aim of the Legislature in all laws is to promote the general welfare of the people of the state.

It was but natural that these English colonists should follow in many things the notions and customs which they had received from the mother country. In Great Britain the Legislative Department of the government included the House of Commons and the House of Lords. The American states severally, and the United States in its constitution, all followed the British system of two houses.



**The House of Representatives.** — Each state has a House of Representatives, although not always called by that name. The Representatives are chosen in nearly all of the states on the basis of population. For this purpose the state is divided into representative districts. A few states elect representatives for one year, but more elect for two years; while some elect for three years, and a few for four years.

**The Senate.** — The Senate is considered the upper house of the Legislature. The office of Senator is supposed to be of higher honor than that of Representative. The Senators are chosen from senatorial districts, which in all of the states are larger than the representative districts, making the Senate a smaller body than the House. Each house has a list of standing committees, and most of the business of the two houses is considered, examined, digested, and reported to the house by the appropriate committees; so that much of the ordinary business of the house is to pass a formal sanction upon what has been done by the committees. In this way the transaction of business is greatly facilitated, and the result is probably wiser than if every detail came before the full house.

When, however, some matter of importance upon which there is a diversity of opinion comes



from a committee, the house discusses the subject, the members who are specially interested in that particular question debate it with all the strength of their decided convictions; and then, when the majority has decided the point, the minority yield gracefully, and the law is passed or defeated, as the case may be.

**The Making of a Law.**— Before any bill can become a law it must be presented to one of these two houses, usually reported upon favorably by a committee, passed to a second reading, generally laid over until another day, then being called up it takes its third reading, and if adopted by the requisite vote, is sent to the other house. Here it goes through the same form as before, and on a favorable report from the proper committee it passes to its three readings. If at the third reading it obtains a majority vote, it is ordered to be engrossed and sent to the Governor for his signature. In most states the Governor has a veto over all bills passed by the Legislature. If he signs the bill, thereby indicating his approval of it, it becomes a law, and it is then sent to the Secretary of State to be placed on file for preservation. If the Governor disapproves of the bill he refuses to sign it, or in other words he “veto” the bill, and returns it with his objections to the house where it originated. In this

case it must pass the two houses of the Legislature again, and in nearly all the states a two-thirds vote is necessary. If it fails to receive this vote in either house, the bill is killed. In some states a majority vote only is necessary to pass the bill over the Governor's veto.

Each house is the judge of the election and qualifications of its own members, chooses its own officers, and establishes its rules of procedure. In some of the states the House of Representatives only can originate bills looking toward taxation or the expenditure of money.

### SECTION III. — THE EXECUTIVE DEPARTMENT.

**The Governor.** — The chief executive officer of the state is the Governor. It is a common custom to apply to him the title of "His Excellency." In the early history of the states New Hampshire, Pennsylvania, Delaware, and South Carolina called the executive officer the President. All other states from the outset gave him the name of Governor.

In a monarchy the chief executive officer is the monarch himself. In him is the source of power, and other officers are responsible to him. Under a republican form of government, as in the several states, the executive officer holds inferior offi-

cers responsible to him, but he in turn is responsible to the people, who are the source of all political power.

**Term of Office.** — The Governor is elected by the people ; in some states annually, in others for the period of two, three, or four years. The tendency at present seems to be toward biennial elections.

**Qualifications.** — The qualifications necessary for a Governor differ in the different states. The qualifications for a Governor in every state are determined by the constitution of that state. These constitutions commonly agree that to be eligible for the office of Governor a person must have been for a certain number of years a citizen of the United States, and for a term of years immediately preceding his election a resident of the state. He must also be above a certain age, which in most of the states is thirty years.

**Powers and Duties.** — The executive powers and duties of the Governor are important and various. It is his duty to represent the state on public occasions and in its dealings with other states and the United States. He is Commander-in-Chief of the military forces of the state, and has the power to call out the militia of the state in time of insurrection. It is his especial care as the chief executive to see that the laws be faith-

fully executed. He has power to call upon the different executive officers under him for information concerning the condition of affairs in their respective departments. He communicates information of the condition of the state by message to the Legislature when in session, and is accustomed to recommend to that department of the government such measures as he considers necessary and desirable. He usually has the power to call together the Legislature on extraordinary occasions. In most states he has the veto power.

The Governor has certain judicial powers. In most states the power is granted to him by the constitution to reprieve or pardon criminals. To reprieve a criminal is to postpone or delay for a certain time the execution of the sentence which has been already pronounced upon him. To pardon is to free the criminal entirely from the execution of the sentence. A pardon forgives the offence and releases the offender. Most states also give the Governor the power to commute a sentence; that is, to change the penalty or punishment for a less severe one. For instance, when a person has been sentenced to capital punishment, the Governor may commute that sentence to imprisonment for life. In some states the pardoning power is not given to the Governor, but is retained in the hands of the Legislature, or the Senate, or the Governor's Council.



The Governor has also in all states more or less appointing power. He appoints many executive officers and sometimes judicial officers. This power of appointment differs greatly in the different states. In some states he appoints all the principal executive and judicial officers, such as the Secretary of State, the Attorney-General, and the judges of the courts. In other states these officers are elected by the people, and the Governor appoints only officers of a lower grade. In none of the states has he the power to appoint legislative officers. In some states the Governor is intrusted with powers and duties which it is not necessary to mention here. Some states provide for a "Governor's Council," or, as it is sometimes called, an "Executive Council." The members of this council are usually elected by the people, and their duty is to advise the Governor, especially in regard to certain matters definitely stated in the laws.

**Lieutenant-Governor.** — Most of the states have an officer called a Lieutenant-Governor. In one-quarter of the states this office does not exist. Usually he has but few duties. In most of the states which have such an officer he presides in the Senate. The principal reason for having a Lieutenant-Governor is to guard against a vacancy in the office of Governor. Should the



Governor die, or by any reason be removed or become incompetent to discharge the powers and duties of his office, these would devolve upon the Lieutenant-Governor; but in every instance only in accordance with the constitution of the state.

**Executive Officers.** — The executive officers vary in the different states. In most of them the constitution provides for a secretary of state, an auditor or comptroller, a treasurer, and an attorney-general. Some states have an officer called a surveyor-general, whose duty it is to look after the lands belonging to the state; a superintendent of schools, or superintendent of public instruction, or commissioner of public schools; state printer; a state librarian, and others.

Some states have boards of education whose duty it is to exercise supervision over the normal schools of the state, if there are such; prescribe forms for registers and blank-books for school statistics; to direct or advise the superintendent of public instruction; and to make annual report to the Legislature of the state concerning education within its limits, with recommendations for necessary legislation or appropriations.

Some states have a board of agriculture, a board of health, a board of prison commission-

ers, a board of railroad commissioners, harbor commissioners, insurance commissioners, commissioners of savings banks, and the like.

#### SECTION IV. — THE JUDICIAL DEPARTMENT.

The constitutions of the several states provide for the establishment of courts of justice and carefully define their powers. In some states the judges are appointed, and in others they are elected by the people. The legislative department makes laws, the executive department enforces them, but the judicial department interprets the laws and decides cases of law, making the proper application so as to insure justice to individuals. The names and powers of the different courts differ greatly among the several states. In no two states is the judicial department exactly alike. All that can be done here is to give a tolerably correct idea of the judicial system to be found in most of the states.

**Justices of the Peace.** — In the various towns or counties in the different states officers are chosen, termed Justices of the Peace. The justice will hold a petty court, in which he has the power to try civil cases which involve small amounts. Some states limit this amount to one hundred dollars, and others to fifty dollars. He has also

the power to try persons charged with small crimes. Sometimes he has the power to make a preliminary examination and bind over criminals for trial in the higher courts.

**Police Courts.** — In the cities the lowest order of courts, similar to the justice courts in the towns, is usually termed police courts.

**County Courts.** — In most of the states the courts next above justice courts or police courts, which are organized for the trial of civil cases and of crimes, are held by counties, and are called by various terms, such as district courts, county courts, courts of common pleas, superior courts, etc. Many of the states outside of New England call these courts circuit courts.

**Supreme Court.** — The highest court in the state is usually called the supreme court of such a state. This is usually not a court of original jurisdiction, but only for the trial of cases appealed from the lower courts.

**Probate Courts.** — The term probate court is used in most of the states with a uniform meaning. Usually there is one probate court in every county, which has generally but a single judge. These courts are quite different in character from the courts just described. They are not for the trial of disputes between citizens, nor for the trial of persons charged with crime, but their powers

and duties relate exclusively to the settlement of the estates of deceased persons. They act upon wills, appoint administrators, and empower executors to act in accordance with the wills. When a person dies, leaving property, but not having made a will, it is said that he dies *intestate*. In that case it is the duty of the probate court to appoint administrators, whose duty it is to settle the estate, paying all lawful bills brought against it, and to divide the property among the relatives to whom it would belong by law. Strictly speaking, the administrator has no jurisdiction over the real estate of a person deceased. The lawful heirs can take possession of that without authority from the court.

When a person dies leaving a will, he usually names in that will an executor or executors, whose duty it shall be under the will to dispose of his property in accordance with the provisions of the will. The probate court has power to remove executors or administrators who fail in the discharge of their duty, to settle their accounts, and to decide questions of dispute which may arise in the distribution of the estate. Probate courts are sometimes called orphans' courts, because they have the power to take charge of the estates of minors whose parents have died, and to appoint guardians for them.



Questions of dispute which may arise concerning decisions of probate courts may be appealed to the county courts or the supreme court of the state.

Judges of the various courts are sometimes appointed by the Governor, sometimes by the Legislature, and sometimes elected by the people. Their terms of office differ in the different states. Frequently the term is from six to ten years. Justices of the peace are usually elected for one or two years. It is common in the New England States for the judges of the higher courts to hold office for life. All the officers under the judicial department, as well as those in the legislative and executive departments, receive salaries which are fixed by state laws.

There are many other matters of various kinds relating to the state governments, which might be considered with propriety here, but which may better be omitted, especially for the reason that most of them will be fully explained and better understood under the department of our national government. The subordination of the parts to the whole, of the inferior to the superior, must be kept in mind. The town and the county are portions of the state, are inferior to the state, and are subject to its power and its law, but only so subject in matters over which the state by the



constitution has authority vested in it. So in like manner it must be remembered that the states are parts of the nation, and as such are in subordination to the national authority, but only in such matters as the nation has power given to it by its constitution.

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### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the Declaration of Independence?
2. How did the colonies become states?
3. Write a paper of one hundred words or more, describing the legislative department of a state.
4. Difference between the "House" and the "Senate."
5. Describe how a law is made.
6. Duties of the Governor.
7. Is a Lieutenant-Governor like a "fifth wheel to a coach"?
8. What executive officers are there in the states?
9. Justice Courts.
10. Police Courts.
11. County Courts.
12. Supreme Courts.
13. Probate Courts.
14. What is meant by intestate?
15. What is meant by executor?
16. What is meant by administrator?
17. State Judges — how appointed or elected?

## BLACKBOARD OUTLINE.



### SETTLEMENTS.

- |             |  |            |
|-------------|--|------------|
| 1. Spanish. |  | 2. French. |
| 3. English. |  |            |

### COLONIAL AND REVOLUTIONARY HISTORY.

- |   |  |                                 |
|---|--|---------------------------------|
| 1. The Supreme Moment in<br>the History of America. |  | 3. Second Continental Congress. |
| 2. First Continental Congress.                      |  | 4. Articles of Confederation.   |
|   |  | 5. Plan of the Confederation.   |
| 6. The Federal Convention.                          |  |                                 |

## CHAPTER IV.

### COLONIAL AND REVOLUTIONARY HISTORY.

#### SECTION I.

##### **The Contest of the Kings for North America.**

—After the discovery of America by Columbus Spain claimed the right to the new world. It was not long, however, before Great Britain, France, and other nations sent over vessels on exploring expeditions, each claiming the right to the country along whose coast they sailed. A little later settlements were attempted here and there from Quebec to St. Augustine, in Mexico, Central and South America.

**Spanish Settlements.**—Spain made the first permanent settlement in what is now the United States, at St. Augustine, Florida, in 1565. Spain at an early date took possession of Mexico, Central America, and a large part of the Atlantic coast of South America. So it came to pass that the Spanish Provinces were all further south than the country which at a later date became the United States of America.

**French Settlements.** — The French people are entitled to great praise for their early explorations and settlements in North America, and for the devoted efforts of French priests to instruct and Christianize the North American Indians. Father Marquette, Chevalier De La Salle, Joliet, and many others penetrated into the wilderness, traced the course of the principal rivers, navigated the Great Lakes, and explored the entire valley of the St. Lawrence and the Great Basin of the Mississippi.

They had possession of what is now the British Provinces at the north of us, and of the entire country between the Alleghanies and the Rocky Mountains.

**English Settlements.** — Great Britain was at an early date very active in sending out expeditions for discovery and explorations. The Cabots, Sir Francis Drake, Sir Humphrey Gilbert, Capt. John Smith, Gosnold, and others sailed along the Atlantic coast, taking possession of the country in the name of the king of Great Britain. Settlements were effected at Jamestown, Plymouth, Salem, Boston, Hartford, New Haven, and later still Philadelphia, and along the coast of the Carolinas and Georgia.

**The Contest for Supremacy.** — Thus it happened that these three great European nations,

to say nothing of Portugal, Holland, Sweden, and other minor powers, had before the middle of the last century planted flourishing settlements and organized governments for prosperous colonies along the coast and in the interior from Quebec to the Isthmus of Darien.

If the map of North America were made in three colors, showing the several parts of this continent held by these three great powers from 1740 to 1750, the lines would be somewhat as follows: The green color, which might represent Spain, would cover Florida, Mexico, and Central America. The yellow shade, representing France, would include all of the present British America and the entire valley of the Mississippi River. The red, which we will have represent the British power, will cover only the few feeble colonies along the coast from Maine to Florida, and extending westward to the Alleghany Mountains.

## SECTION II. — THE CONTEST ENDED.

**The Supreme Moment in the History of America.** — In the year 1754 hostilities broke out between the English colonies in North America and the French. During several years preceding this date the French had established a line of posts along the Ohio River and near the Alle-



ghany Mountains, intending to prevent the English from extending themselves beyond the mountains to the westward. Washington, at the head of troops from Virginia, was sent to dislodge the French from Fort Duquesne. In the next year, 1755, occurred the defeat of General Braddock near this fort. In 1756 Lord Loudon was sent to command the British troops in America. The contest went on with the battle of Louisburg, Fort William and Henry, and the capture of Fort Frontenac. The English were defeated at Fort Ticonderoga, and fought other battles, until General Wolfe was sent by the British to take Quebec, and there defeated the French army under Montcalm.

**The Battle of Quebec.** — During the night the British forces climbed the steep precipice from the river up to the “Plains of Abraham.” A fierce battle ensued. It was the turning-point in the history of America. If the French should be able to compel the forces to retreat, France might reasonably expect to hold permanent possession of both the French and the English colonies of North America. If, on the other hand, the English should capture the city of Quebec, France would be beaten, and she would be obliged to surrender her vast possessions in this new world to Great Britain. The English were successful. Wolfe

and Montcalm were both killed. Montcalm, when dying, said, "I am happy that I shall not live to see the surrender of Quebec." Wolfe, after receiving his mortal wound, being told that the French were fleeing everywhere, said, "Now God be praised! I die in peace." This was in the year 1760, and soon after the English completed the capture of Canada.

Had the French succeeded in this contest, the English colonies would have been obliged to surrender themselves to the domination of France. The French language, French customs, French laws, would have controlled America; but, on the other hand, as the English were victorious, France was swept from the continent of America, and not till the beginning of the present century did she again secure any foothold here. The treaty of 1763 between England and France was a great triumph for the English-speaking race.

One historian says, "England, proudly imperious, drunk with success, dictated humiliating terms to France, and robbed her of all her possessions in North America." Great Britain took possession of the entire valley of the St. Lawrence,—which carried with it all the country which we now know as British America,—and all the territory east of the Mississippi River. France was permitted to cede to Spain the terri-

tory west of the Mississippi River, lying between that river and the Rocky Mountains, which was known as the "Province of Louisiana." This may well be called the supreme moment in the history of North America. From this time onward it was manifest that England and the English-speaking people must dominate this country. Count De Vergennes, a distinguished French statesman, was at that time the French minister at Constantinople. As soon as he heard what the English demands had been, and that the French had lost all in North America, he said, "The English have overshot the mark. Their next step will be to tax their American colonies to help defray the expenses of this war. The Americans, then no longer needing the protection of England, will refuse to pay the tax, and strike off all dependence upon the mother country." This was in 1763. How true his prophecy was will readily appear when we observe that the Declaration of Independence was passed only thirteen years later. The British did tax the colonies, the colonies did refuse to pay the tax, and, the French power being entirely swept away, and the Spanish being far off beyond the Mississippi, they no longer feared any foreign nation, so that their own independence was only a question of time. The Stamp Act alienated the Americans,

the tax on tea exasperated them; hostilities were commenced, the Declaration of Independence was put forth, the war ensued, and the thirteen British colonies became an independent republic.

The surrender of Cornwallis upon the plains of Yorktown occasioned the resignation of Lord North, and an entire change in the British ministry. Yet it was more than a year before terms of peace could be agreed upon, and two years before the definitive treaty was signed.

**The First Continental Congress.** — Sept. 5, 1774, on the recommendation of Massachusetts, a Continental Congress consisting of delegates from twelve colonies assembled in Philadelphia. The youngest colony, Georgia, was not represented. This gathering came to be known as the First Continental Congress. Many distinguished men were members of it, such as John Adams and Samuel Adams of Massachusetts, Roger Sherman of Connecticut, John Jay of New York, Peyton Randolph, Richard Henry Lee, Patrick Henry, and George Washington of Virginia. Peyton Randolph was chosen president. The Congress adopted the following resolution: "That in determining questions in this Congress, each colony or province shall have one vote; the Congress not being possessed of, or at present able to procure, proper materials to ascertain the importance of each colony."



The adoption of this rule proved to be a matter of great importance subsequently, inasmuch as it continued in force through the entire Revolutionary War, and until the Federal Constitution went into effect in 1789.

The Congress drew up four papers, — an address to the king, another to the people of Great Britain, a third to the inhabitants of the colonies, and a fourth to the people of the province of Canada. They recommended that another Congress be called for the tenth of the following May, in case the grievances complained of were not previously redressed. No good results were obtained from these addresses to Great Britain, although several British statesmen, including Lord Chatham, spoke of them in terms of highest admiration.

### SECTION III. — THE REVOLUTION.

**Second Continental Congress.** — In accordance with the vote of the First Congress, the Second Continental Congress assembled at Philadelphia on the 10th of May, 1775. This Congress continued in session until March, 1781, and after that date it had annual sessions till the Federal Constitution went into effect in 1789. This Second Continental Congress was in reality the national government through the Revolu-





THE STATE HOUSE, PHILADELPHIA, WHERE THE FEDERAL CONVENTION WAS HELD.

(REPRODUCED FROM AN OLD PRINT OF ONE HUNDRED YEARS AGO.)



tionary War. It appointed Washington as commander-in-chief of the army of the United Colonies; it adopted the Declaration of Independence; it assumed the power to carry forward all necessary measures for the defence of the country; it created a continental currency; it issued bills of credit; it established a treasury department and a general system of post-offices. It recommended that the several colonies should establish for themselves such forms of government as promised best to secure good order during the continuance of the controversy with Great Britain.

**Articles of Confederation.** — No sooner had independence been determined upon than it became obvious that the states would need some written articles which should bind them together and give proper authority to the Congress. A committee was therefore appointed to prepare "Articles of Confederation." These Articles were agreed upon by Congress on the 15th of November, 1777. They were to go into operation when ratified by all the states. Eleven states ratified them in the year 1778, Delaware in 1779, and Maryland March 1, 1781, at which time they went into effect. But this was nearly five years after the Declaration of Independence. During all this time the Continental Congress constituted the national government, and had made the treaty



between the United States and France. The Articles of Confederation made but little difference in the management of affairs. The Continental Congress went right on with its work in the same order as before, and about six months later the surrender of Cornwallis virtually closed the war. Prior to the adoption of these Articles the government had been revolutionary, the Congress governing by common consent of the people of the states. These Articles were the first attempt to draw the line between the powers of the national government and those to be exercised by the states severally. The tendency for state supremacy was strong. The colonies had been heretofore independent of each other, with only one common bond,—the common subjection to the mother country. It was the central government of Great Britain which had made arbitrary demands upon their rights and liberties. They were naturally timid of authority and fearful of centralized power. The Articles were therefore drawn up with the intention of leaving the largest possible powers with the several states, and of giving to the National Congress just as little power and authority as possible. They were “as erroneous in theory as they were inefficient in practice.” The object aimed at by them was to confederate the several states together for general

purposes of mutual assistance, especially in matters of protection against foreign foes.

**Plan of the Confederation.** — The Articles provided for one house of Congress composed of delegates from the several states. Each state was to pay its own delegates, and the voting on all questions was to be by states.

Matters of war and peace, treaties and alliances, were left with the Congress. This body could decide disputes between states, had charge of all postal matters, and power to regulate the value of money; but an affirmative vote of two-thirds of all the states was necessary for any important action to be taken. There was no executive department and no judiciary. Congress could apportion taxes among the states, but had no power to collect them. Each state could lay duties and imposts. Congress had not even power to enforce its own laws. It could borrow money, but could make no provision for its payment. It could appoint ambassadors, but could not defray the necessary expenses. It could declare war, but could not raise a single soldier. "In short, it could declare everything, but do nothing." The Congress ratified the treaty of peace between the United States and Great Britain, but this treaty was violated by the states, and Congress was powerless to prevent such violations.



The Confederation was merely a league between the states, embodying the greatest weakness when considered as a national government. Washington at an early day saw the difficulty and danger, and that a new constitution was the great problem of the time. Alexander Hamilton, one of the ablest statesmen of that day, as early as 1780 sketched the outline of a system of government which he thought to be necessary, and which embodied most of the essential features of our present constitution.

**Federal Convention.** — It had become entirely evident both to Congress and the people that the Confederation as a government was a failure. The states were issuing more and more paper money. Congress repudiated the national debt, and the states repudiated their debts. The country was rapidly becoming bankrupt. There were but few manufacturing establishments in America, and the coin of the country was constantly transferred to England in payment for vast quantities of manufactured goods sent over from that country to this. The several states were stripped of money. The credit of the states and of the Congress was gone, and the absolute collapse of the United States government was imminent.

Washington wrote to a member of Congress, "You talk, my good sir, of employing influence

to appease the present tumults in Massachusetts. Influence is not government. Let us have a government by which our lives, liberties, and properties will be secure, or let us know the worst at once."

Delegates from five states met in January, 1786, at Annapolis, Maryland, with reference to a uniform system of commercial regulations. They reported to Congress their unanimous conviction that a general convention of delegates from the several states should be called to take such action as would render "the Constitution of the Federal Government adequate to the exigencies of the Union." On the 21st of February, 1787, Congress adopted the following resolution: —

"RESOLVED, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia, for the sole and express purpose of revising the Articles of Confederation, and reporting to Congress and the several legislatures such alterations and provisions therein as shall, when agreed to in Congress and confirmed by the States, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union."

Delegates from all the states except Rhode

Island met at Philadelphia, Monday, May 14th, 1787. On the 25th, George Washington was unanimously elected President of the Convention. This Convention was without doubt the most celebrated gathering of able men ever seen in America.

Among the thirty-nine members of the Convention who subscribed their names to the Constitution, five, viz., Sherman, Franklin, Robert Morris, Read, and Washington, were signers of the Declaration of Independence; Washington and Madison were afterwards Presidents; Rutledge and Ellsworth became Chief Justices; Gerry was Vice-President, and Hamilton, Secretary of the Treasury; Livingston had been eleven times elected governor of his state; Wilson was famed in four universities and was esteemed the greatest constitutional lawyer of the Convention; and Dr. Franklin, then more than eighty years of age and very near the grave, rounded out his full life as a philosopher, statesman, diplomatist, by giving to his country at this her most critical period the great benefit of his own political experience. All of these men had been "identified with the heroic and wise councils of the Revolution."

The Convention had been called "for the sole and express purpose of revising the Articles of

Confederation.” It soon, however, became evident that the only way of rendering this instrument “adequate to the exigencies of government and the preservation of the Union ” was to throw it entirely away and frame a completely new document. At the very beginning of their discussions great differences of opinion were manifest. The members were generally divided into two classes, one favoring a strong national government, and the other opposed to anything which would tend to weaken state sovereignty or impair in any degree what they considered as state rights. Here then was the origin of the two great political parties, which have divided the American people from that day to this,—the states rights party and the national or federal party.

But there were other questions of no small difficulty which they were also obliged to meet at the outset: such as the diverse interests and jealousies of large and small states, of free and slave states, of states agricultural and commercial; and should the states have equal power in the national government, or should that power be proportional to the population of the several states.

Washington almost despaired, Franklin was seriously alarmed; but influenced by a spirit of mutual forbearance and concessions, various compromises were proposed and agreed to concerning



slavery, and especially in providing for an equality of the states in the Senate, and representation by population in the House. The present Constitution of the United States was agreed to by the convention, and received the signatures of members from all the participating states. This result was reached only by the most consummate wisdom, the most lofty patriotism, and such a degree of skill and ability as has seldom, if ever, elsewhere been witnessed in any assemblage of men. Washington said, "It appears to me little short of a miracle."

The Constitution was finally agreed to by all the states present on the 15th of September, 1787. This was on Saturday. On the following Monday it was signed by the members, and submitted to the Congress. The votes throughout the whole time of the Convention had been by states, as in the Continental Congress. The Congress transmitted the new Constitution to each state, recommending its ratification. Although the Articles of Confederation provided that no change should be made in them except by a vote of every state, yet the Constitution provided that the new government should go into effect when ratified by conventions of the people of nine states.

For a long time it was uncertain whether the Constitution would be adopted or rejected. Most



of the smaller states were in its favor. Its adoption was closely contested in New York, Massachusetts, and Virginia. In a little less than one year from its adoption by the Convention, it had been ratified by eleven of the states. Congress then took measures to put the new government into operation. Elections of presidential electors, and of senators and representatives in Congress, were held in January, 1789. The presidential electors voted for President on the first Wednesday of February; and the first Wednesday of March was decided upon by Congress as the time when the new Constitution should go into effect.

George Washington was unanimously elected President, and John Adams was elected Vice-President. On the 4th of March the senators and representatives assembled in New York, the new Constitution went into legal operation, and proceedings were commenced under it. It was not, however, until the first day of April that a quorum of members in both houses was obtained, and on that day Congress began the transaction of business. Washington took the oath of office, and delivered his inaugural address, on Thursday, April 30th. On May 1st John Adams took his seat as president of the Senate. North Carolina ratified the Constitution in November, 1789; and Rhode Island, in May, 1790.

**Dates of Ratification.**—The following are the dates of the ratification of the Constitution by each of the thirteen original states:

- (1) Delaware, Dec. 7, 1787.
- (2) Pennsylvania, Dec. 12, 1787.
- (3) New Jersey, Dec. 18, 1787.
- (4) Georgia, Jan. 2, 1788.
- (5) Connecticut, Jan. 9, 1788.
- (6) Massachusetts, Feb. 6, 1788.
- (7) Maryland, April 28, 1788.
- (8) South Carolina, May 23, 1788.
- (9) New Hampshire, June 21, 1788.
- (10) Virginia, June 26, 1788.
- (11) New York, July 26, 1788.
- (12) North Carolina, Nov. 21, 1789.
- (13) Rhode Island, May 29, 1790.

Thus was put into operation the Constitution of the United States of America, which Gladstone, who is considered by many the greatest statesman of this age, has pronounced to be “the most wonderful work ever struck off at a given time by the brain and purpose of man.”

It may truly be said that it embodies profound political wisdom and far-reaching statesmanship, while it jealously guards the rights of the people, providing various checks and safeguards against unjust, unwise, or dangerous legislation; and yet “in its words it is plain and intelligible, and is

meant for the homebred, unsophisticated understandings of our fellow-citizens."

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### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the "Contest of the Kings"?
2. Where was the first permanent Spanish settlement in the United States?
3. Where the first permanent English settlement?
4. Draw a map of North America, showing Spanish, French, and English control at the middle of the eighteenth century.
5. Draw a map showing the English and Spanish territory after 1763.
6. Describe the battle of Quebec.
7. What was the "Supreme Moment in American History," and why so called?
8. First Continental Congress.
9. What important rule did it adopt?
10. When did the Second Continental Congress convene?
11. Name the essential points of weakness in the Articles of Confederation.
12. Describe the Federal Convention.
13. When did the Convention submit the Constitution to Congress?
14. When did the Constitution go into effect?

## BLACKBOARD OUTLINE.



### THE LEGISLATIVE DEPARTMENT.—THE CONGRESS.

#### THE HOUSE OF REPRESENTATIVES.

The Number of Representatives.	Territorial Delegates.
Qualifications.	Officers.
Impeachments.	

#### THE SENATE.

Senators, how chosen.	Presiding Officer.
Qualifications.	Officers of the Senate.
The Trial of Impeachments.	

#### PROVISIONS RELATING TO BOTH HOUSES.

Sessions of Congress.  
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#### THE POWERS OF CONGRESS.

Duties on Imports.	Coin Money.
Naturalization.	Weights and Measures.
Bankruptcies.	The "Sweeping Clause."

#### RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

## *PART SECOND.*

### THE NATIONAL GOVERNMENT.



#### CHAPTER I.

##### THE LEGISLATIVE DEPARTMENT.

##### SECTION I. — THE CONGRESS.

**The Preamble.** — The purpose of the Constitution of the United States is fully stated in the preamble. It is as follows: —

1. To form a more perfect union.
2. To establish justice.
3. To insure domestic tranquillity.
4. To provide for the common defence.
5. To promote the general welfare.
6. To secure the blessings of liberty to ourselves and our posterity.

**The National Element of Slow Growth.** — The beginning of the nation was July 4th, 1776. During the Revolution and under the Articles of Confederation, great diversities prevailed among the people as to the proper limits of state rights and the proper extent of the Federal power. The weakness of the Articles of Confederation

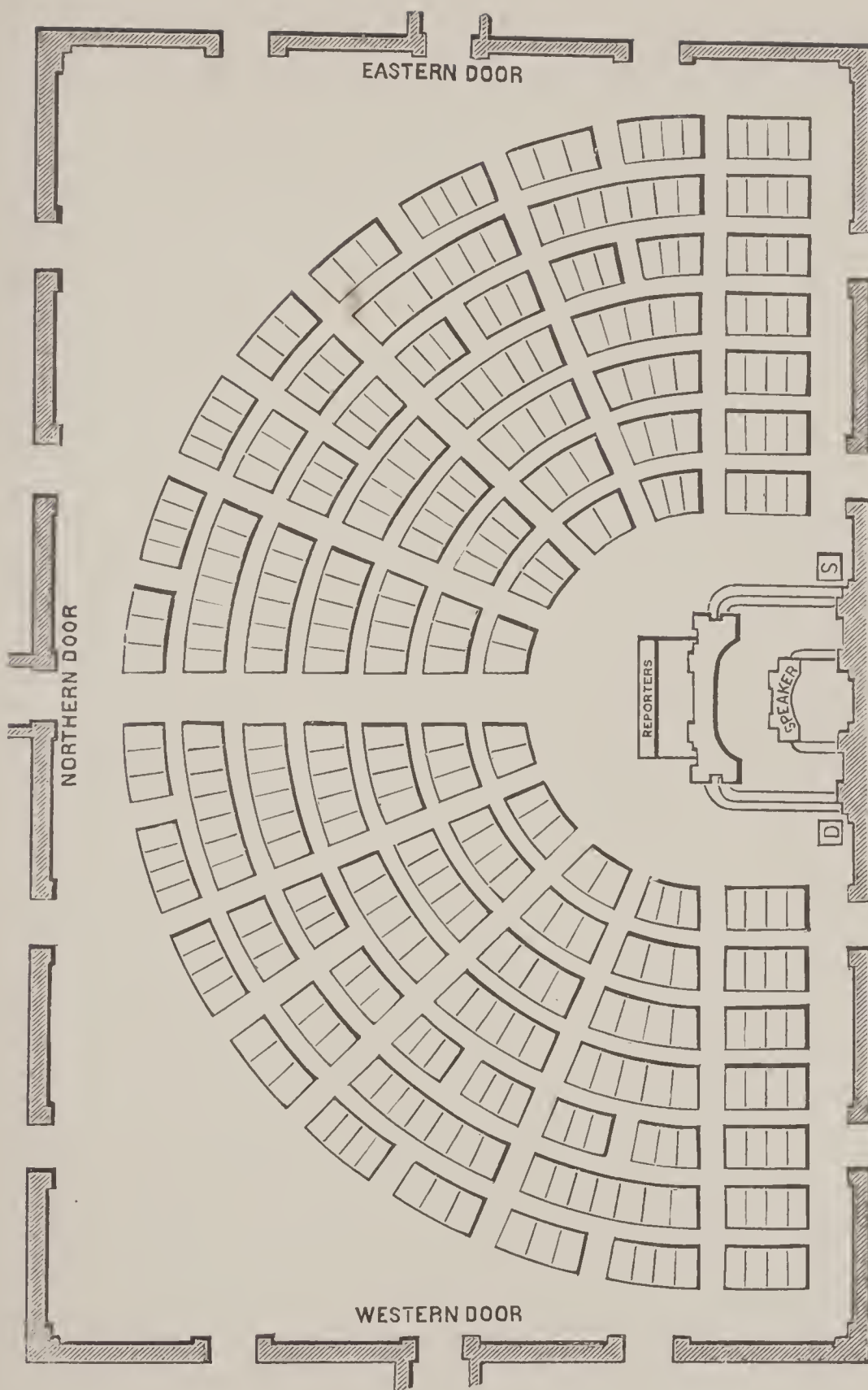


rendered it very clear that the national government must have conferred upon it more extended powers. The Constitution was a compromise in many respects between divergent parties, but on the question of national supremacy there was no compromise. The Articles of Confederation constituted an agreement or bond between the several states which were specified by name. The Constitution, on the other hand, was not a league of states, but a fundamental law adopted by the people of the whole country. Its first sentence, called the preamble, is especially significant: —

“We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

## SECTION II. — THE HOUSE OF REPRESENTATIVES.

By the Constitution all legislative powers for the national government are vested in a Congress of the United States, which consists of two houses, the Senate and the House of Representatives. As has already been stated, the people were influenced largely in organizing their new government by the plans and methods which they



THE HALL OF THE HOUSE OF REPRESENTATIVES, WASHINGTON.



had been familiar with in the mother country. Hence it was simply natural that following the example of the British Parliament, which consisted of the House of Lords and the House of Commons, two separate houses should here be provided for.

During the revolutionary government and under the Articles of Confederation, the Continental Congress had consisted of but one house. The states, however, in forming constitutions for themselves had, without exception, introduced the plan of two houses.

### **The House of Representatives. —**

“The House of Representatives shall be composed of members chosen every second year by the people of the several states.”

Under the Confederation the members of Congress were chosen annually, and in such manner as the legislature of each state should authorize. The Constitution provides that representatives shall serve for two years, and that they shall be elected by “the people.” Each state prescribes by law how the members of the state legislature shall be elected, and who shall have power to vote for such members. The Constitution prescribes that any one who can vote for a member of the House of Representatives in that state, can vote for a member of the National House of Representatives.

**Qualifications.** — Three qualifications, and only three, are required for a representative in Congress.

1. He must be at least twenty-five years of age.
2. He must have been seven years a citizen of the United States.
3. He must, when elected, be an inhabitant of that state in which he shall be chosen.

**The Number of Representatives.** — Every ten years after the census returns have been made, Congress provides by law for the number of representatives for the next ten years which each state shall be entitled to. It first determines how many members there shall be in the House, and it then apportions these members according to the population of the several states. The number of representatives for the different decades and the number of inhabitants for one representative during the last one hundred years have been as follows : —

Period.	No. of Members.	Ratio of Population.
1789-1793	65	—
1793-1803	105	33,000
1803-1813	141	33,000
1813-1823	181	35,000
1823-1833	212	40,000
1833-1843	240	47,700
1843-1853	223	70,680
1853-1863	234	93,500
1863-1873	241	127,941
1873-1883	292	130,533
1883-1893	325	151,911
1893-1903	356	173,902



Sometimes the actual number of representatives has been greater than the number here given on account of the admission of new states. By the above table, it will be observed that at the present time the required number of inhabitants for one representative is 173,902, but every small state is entitled to one representative even if its population is less than the above number.

**Territorial Delegates.** — Each organized territory is allowed by law of Congress to send one delegate to the House. He may participate in the discussions, but he is not allowed to vote.

In the fifty-first Congress (1890), Washington, Montana, Dakota, Idaho, and Wyoming having been admitted as states, and Oklahoma organized as a territory, there were four territorial delegates.

**Officers.** —

“The House of Representatives shall choose their Speaker and other officers.”

The Speaker is the presiding officer of the House. The Speaker is chosen from the members of the House and can vote on every question like any other member. The other officers of the House are: —

- |                      |                 |
|----------------------|-----------------|
| 1. Clerk.            | 3. Door-keeper. |
| 2. Sergeant-at-arms. | 4. Postmaster.  |
| 5. Chaplain.         |                 |

At the organization of each new Congress, the clerk of the preceding House presides till a Speaker is chosen.

**Impeachment.** — The House of Representatives has the sole power to impeach civil officers of the United States. When an officer is impeached, the House brings impeachment, specifying the charges against him, before the Senate. The method of impeachment is as follows: the House appoints a committee to inquire into the conduct of the officer who has been charged with improper acts. If this committee reports in favor of impeachment, the House votes upon the question. If the majority vote that the officer shall be impeached, articles are prepared specifying the charges, and action is taken upon each article. Then a committee is appointed to conduct the prosecution before the Senate. It is noticeable that but few officers have ever been subject to impeachment. Indeed, in one hundred years but seven cases of impeachment have occurred. They are as follows: —

1. William Blount, Senator. 1799. Acquitted.
2. John Pickering, Judge. 1803. Convicted and removed from office.
3. Samuel Chase, Judge. 1804. Acquitted.
4. James H. Peck, Judge. 1830. Acquitted.
5. West H. Humphreys, Judge. 1862. Convicted

and disqualified from holding any office of honor, trust, or profit under the United States.

6. Andrew Johnson, President. 1868. Acquitted.

7. W. W. Belknap, Secretary of War. 1876. Acquitted.

Thus it will be seen that of these seven cases of impeachment there have been only two convictions, one of whom was simply removed from office, and the other was disqualified from holding office.

### SECTION III. — THE SENATE.

The Senate consists of two members from each state. The peculiar composition of the Senate was occasioned by the natural jealousy which existed between the states. It has already been seen that the several colonies became states, preserving their original boundaries. During the entire time of the Continental Congress all votes were taken by states, each state having but one vote. When the convention was framing the Constitution, the jealousy between the small states and the larger was strongly apparent. The larger states very naturally felt that they should have a stronger voice in legislative matters than the smaller states. On the other hand, the smaller states were unwilling to yield the equal power which had hitherto been accorded to them.

A compromise was effected by which the House of Representatives should be constituted upon a basis of population, and in the Senate the equality of the states should be retained. The Constitution provides that, —

“The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereto for six years; and each senator shall have one vote.”

This clause contains four distinct provisions: —

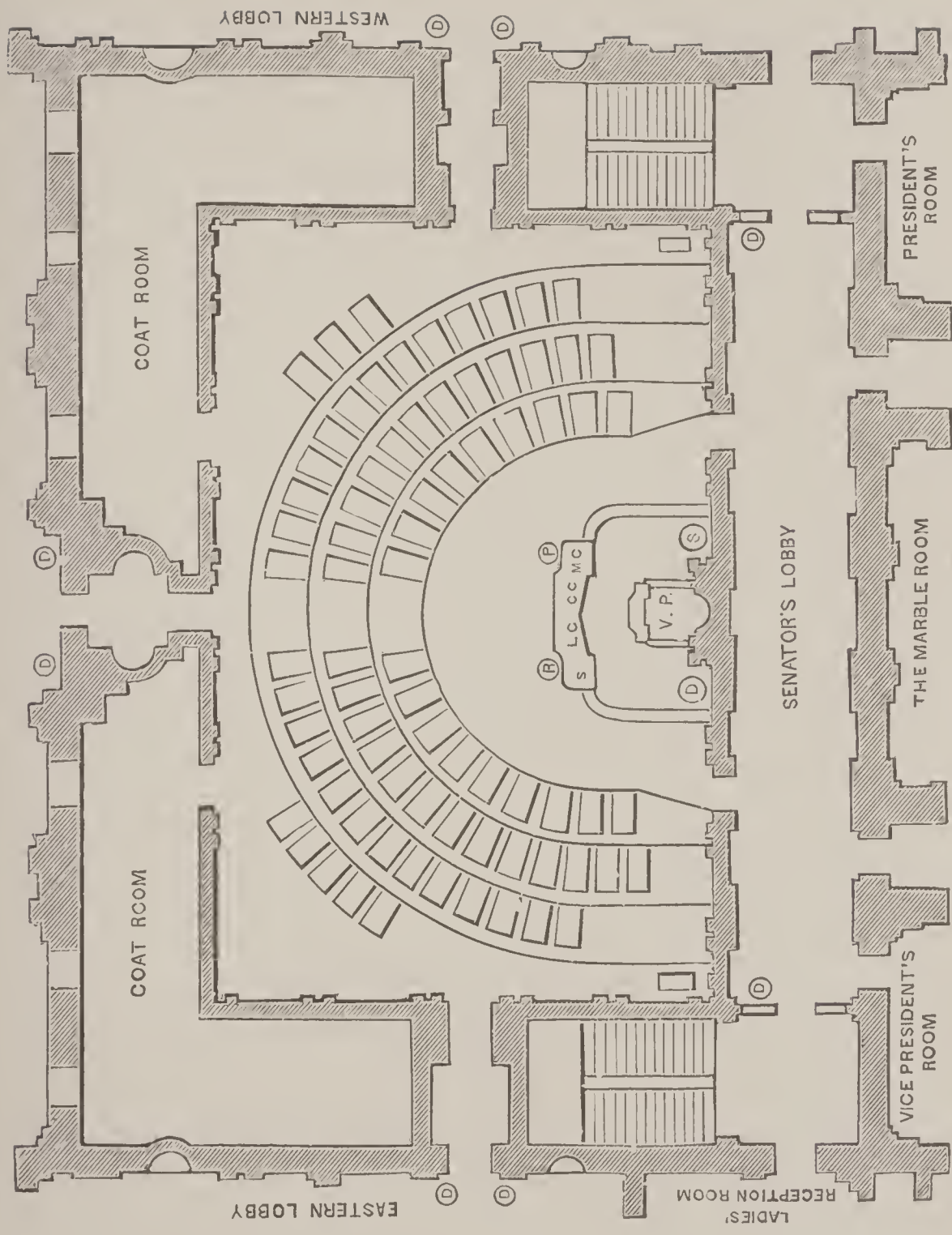
1. There shall be two senators from each state.
2. They shall be chosen by the legislature of the state.
3. They shall be chosen for the term of six years
4. Each senator shall have one vote.

**Senators : how chosen.** — In regard to the mode in which the legislatures are to choose the senators, the Constitution is silent.

By an act of Congress passed July 25, 1866, it is provided that when the legislature of any state is to elect a senator in Congress, it shall proceed to the election of such senator on the second Tuesday after the organization of the legislature, and the election shall be conducted as follows : —

Each house shall, by a *viva voce* vote, name a person for senator, and the name of the person who receives a majority vote shall be entered in





THE SENATE CHAMBER, WASHINGTON.





the journal of the house. If the house fails to give such a majority to any person, that fact shall be entered on the journal. On the next day at twelve o'clock the members of the two houses shall convene in joint assembly, and the journal of each house shall be read, and if the same person has received a majority of all the votes in each house, he shall be declared fully elected senator. If no one has such a majority, the joint assembly shall choose, by a *viva voce* vote of each member present, a person for senator. The person having a majority of all the votes of the joint assembly shall be declared elected. If there is no election that day, the joint assembly shall meet at twelve o'clock on each succeeding day, and shall take at least one vote each day until a senator is elected.

The senators are divided into three classes, and, as they are chosen for six years, one-third of the whole number is chosen every second year. The representatives are chosen for two years, which is the length of time covered by one Congress. Whenever a new Congress convenes, one-third of the senators are either new members, or have been re-elected for a new term. It will be observed, that as one-third of the senators go out of office every two years, the Senate is a continuous body; while the members of the

House are all swept off at once, and a new election brings in a new House every second year.

**Qualifications.** — The qualifications of the senator are three : —

1. He must be at least thirty years of age.
2. He must have been nine years a citizen of the United States.
3. He must, when elected, be an inhabitant of the state in which he is chosen.

**Presiding Officer.** — It will be seen farther on, that the executive officer of the United States is the President. The Vice-President is chosen for the purpose of taking the place of the President when a vacancy in that office occurs; but unless some other duties were placed upon him, the Vice-President would have nothing to do so long as the President held his office; hence the convention determined to make him presiding officer of the Senate, which is done in the following clause : —

“The Vice-President of the United States shall be president of the Senate, but shall have no vote unless they be equally divided.”

The speaker of the House is a member of the House; but as the equality of the states is preserved in the Senate, it would seem best to select the presiding officer from outside that body.

The Vice-President would be likely to be less partial as a presiding officer than a senator would be, since he is elected by the whole country and not by a single state.

**Officers of the Senate.**—The Senate shall choose their officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States. The officers of the Senate are :—

- |                     |                      |
|---------------------|----------------------|
| 1. The Secretary.   | 4. Sergeant-at-arms. |
| 2. Chief Clerk.     | 5. Door-keeper.      |
| 3. Executive Clerk. | 6. Chaplain.         |

**The Trial of Impeachments.**—When the Senate is to try an impeachment, it sits as a court, and every senator must be on oath or affirmation.

“When the President of the United States is tried the chief-justice shall preside, and no person shall be convicted without the concurrence of two-thirds of the members present.

“Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States ; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.”

SECTION IV.—PROVISIONS RELATING TO BOTH  
HOUSES OF CONGRESS.

**Sessions of Congress. —**

“The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.”

Although the new Congress comes into existence on the fourth of March in each odd year, yet the first regular session will begin on the first Monday of December following. This first session may hold through an entire year, but if the business be completed Congress may adjourn at any time during the year. The second regular session begins on the first Monday of December following, and must close by the fourth of the next March, at which time the new Congress comes into existence.

“Each house is the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business.”

Each house also determines, —

“The rules of its proceedings, punishes its members for disorderly behavior and with the concurrence of two-thirds may expel a member.”



**Salary of Senators and Representatives. —**

The senators and representatives are paid out of the treasury of the United States. Congress has, from time to time, increased the compensation of its members from six dollars a day in the House, and seven dollars a day in the Senate, until, by a law passed in 1874, the compensation of each representative and each senator was fixed at five thousand dollars per annum. The pay of the Speaker of the House and of the Vice-President, or if there is none, the President of the Senate *pro tempore*, is eight thousand dollars per annum. In addition to his salary every member of either house is allowed mileage, in coming and going between his home and Congress, twenty cents per mile for every mile of travel by the usual route.

“All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.”

This clause is adopted from the custom of the British Parliament. There, revenue bills must originate in the House of Commons. There is very little necessity in our present circumstances for this restriction. Raising revenue is understood to be confined to levying taxes. It is the custom for the Senate to originate bills which

imply the raising of money, or which will require the raising of money, as for example, bills to establish post-offices, the mint, to regulate the sale of public land, etc.

#### SECTION V. — THE POWERS OF CONGRESS.

We come now to the consideration of the powers vested by the Constitution in the Congress. It should be remembered that when the Constitution was framed, the controversy was sharp and spirited between those who favored bestowing large powers upon the national government, and those who, fearing that evils would result from such a course, were strenuous in their belief that large powers should be retained by the governments and the people of the several states. In consequence of this controversy, the Constitution defines somewhat minutely special subjects upon which Congress shall have power to legislate. It does not, however, contain an exhaustive enumeration of the powers of Congress, and does not mean that Congress shall not legislate on any subjects not here enumerated. This is evident from the fact that power is given to Congress

“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in

the government of the United States, or in any department, or officer thereof.”

Elsewhere, the Constitution requires of Congress the exercise of powers not particularly mentioned; and in different places it implies that Congress must do certain things, which are not expressly provided for in the section specifying its particular powers.

The Constitution expressly enumerates the following powers:—

The Congress has power

“To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.”

This gives to Congress the power to levy taxes for three purposes:—

1. To pay the public debt.
2. To provide for the common defence.
3. To provide for the general welfare.

The general government may levy a tax in three ways:—

1. A direct tax upon persons, which may be either a poll tax or a property tax.
2. An indirect tax upon goods imported into the country from abroad.

3. An indirect tax upon goods manufactured and used here.

Previous to the civil war a direct tax had been laid but four times—in 1798, 1813, 1815, 1816. These taxes were levied upon lands, houses, and slaves. To pay the debt incurred in the civil war, direct taxes were again levied in 1861 and subsequently.

**Duties on Imports.**—This government, during most of its existence, has been committed to the policy of laying duties on goods manufactured abroad and imported into this country. These duties on imports are of two kinds:—

1. Specific duties.
2. *Ad valorem* duties.

A specific duty is a tax levied on goods by weight, measure, or bulk; as, for example, a duty of fifty cents a yard on broadcloth, one dollar a ton on iron, or twenty cents a gallon on molasses.

An *ad valorem* duty is levied according to the value or cost of the goods, as, ten per cent on iron, fifty per cent on the cost of brandy. These duties are collected under the direction of the treasury department.

**Naturalization.**—Another power committed to Congress is, “to establish a uniform rule of naturalization.”



Naturalization is an act by which a foreigner, called an alien, becomes a citizen of the United States. Under the confederation, each state passed laws naturalizing aliens.

It is to be noticed that there has been a constant growth of national power. At first the several states were unwilling to give up their power to the federal government. Through the whole history of the nation, the dividing line between political parties has been upon this principle. One party has favored large state rights, and a minimum national power. The other party has advocated a strong national power. Here is an illustration: The laws upon the subject of naturalization, and the qualifications requisite in the different states were so various, that confusion and controversy resulted. To remedy these evils the Constitution gives Congress full power over the subject of naturalization, so that the laws shall be uniform throughout all the states. An alien coming to this country from a foreign land must make application for citizenship; this is called his "declaration of intention." This declaration must be made at least two years before he can receive his naturalization papers. In this declaration he must declare on oath or affirmation that it is his intention to become a citizen of the United States, and to renounce all allegiance



to the government of which he is at the time or has been a subject.

Before he can receive his naturalization papers he must have resided in this country at least five years. There is one exception to this law. By an act passed in 1862, a soldier of the age of twenty-one years and upward, regularly discharged from the army of the United States, may be admitted to citizenship without a previous declaration of intention and with a single year's residence. The children of a naturalized foreigner, who are under twenty-one years of age, residing in this country at the time the father received his naturalization papers, are considered citizens. The children of a citizen, who are born abroad, are citizens of the United States.

When foreign territory has been incorporated into the Union, by treaty or otherwise, Congress has exercised the power of granting naturalization without previous residence. When territory is annexed to this country, the President and Senate have naturalized the inhabitants of such territory *en masse*.

**Bankruptcies.** — The Congress also has power to make "uniform laws on the subject of bankruptcies throughout the United States."

In England, the term *bankrupt* is generally limited to traders who fail to pay their debts,

while the word *insolvent* was applied to those not paying their debts who were not engaged in trade. The general usage, however, in the United States, has been to make the words *bankrupt* and *insolvent* synonymous. In reality, a person is insolvent when he cannot pay his debts. He becomes a bankrupt by legal proceedings under a bankrupt law. Congress has exercised this power to pass uniform laws on bankruptcies at three different times. The first bankrupt law was passed in 1800, and repealed three years later. The second was passed in 1841, and repealed within two years. The third was in effect from 1867 to 1878. No national bankrupt laws are in force now. It is held that if Congress does not exercise its power to pass a bankrupt law, the several states can do so. The state laws are usually termed insolvent laws.

**Coin Money.** — The Congress has power, —

“To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.”

An Act of Congress passed in 1873 provided for the following coins: —

1. Gold: The dollar piece; the two-dollar-and-a-half piece, or quarter-eagle; the three-dollar piece; the five-dollar piece, or half-eagle; the ten-dollar piece, or eagle; and the twenty-dollar piece, or double-eagle.

2. Silver: The dollar, half-dollar, quarter-dollar, and dime.

3. The "minor coins" are the five-cent piece and three-cent piece and one-cent piece. Two-cent pieces are not now coined.

**Weights and Measures.** — This clause gives to Congress power "to fix the standard of weights and measures." It is proper that the standard of weights and measures should be connected with money. The price or value of any commodity is fixed in money terms; but this commodity is either weighed or measured, and, therefore, the power which coins the money should fix the standard of weights and measures. Our weights and our measures have come to us through the ancient usages of Great Britain. It appears strange that the world should not have earlier established a uniform system. That *twelve* inches should make a foot, and *three* feet a yard, and that *five and a half* of this denomination should make a rod, and that *forty* of this is called a furlong, and that *eight* furlongs are a mile, is not complimentary to the civilization of our ancestors.

We made a great gain when this government established our coins on the decimal system: ten cents make a dime, and ten dimes a dollar, and ten dollars an eagle. It will be a greater gain

when the metric system for all weights and measures shall have come into universal use. The metric system has been legalized by an act of Congress; but it is to be feared that the day is somewhat distant when it shall have come into general use in this country.

**Various Powers.** — Congress has power, —

“To provide for the punishment of counterfeiting the securities and current coin of the United States.

“To establish post-offices and post-roads.”

Congress has power to grant copy rights to authors and patent rights to inventors.

“To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

“To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

“To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

“To make rules for the government and regulation of the land and naval forces.”

**“The Sweeping Clause.”** — The final clause, enumerating the powers conferred by the Constitution upon Congress, reads as follows: —

“To make all laws which shall be necessary and proper for carrying into execution the foregoing powers,



and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

This clause is what Patrick Henry called "the sweeping clause," by which, as he thought, Congress was to overthrow the states. Great opposition to this clause was manifested by the state-rights party during the time in which the Constitution was under discussion by the people and by state conventions prior to its adoption.

Nothing is plainer than that the government has under this Constitution full national powers, and is limited only by the restrictions imposed by the Constitution itself. Judge Story says: "It would be almost impracticable, if it were not useless, to enumerate the various instances in which Congress, in the progress of the government, has made use of incidental and implied means to execute its powers. They are almost infinitely varied in their ramifications and details."

Chief-Justice Marshall says: "A power vested carries with it all those incidental powers which are necessary to its complete and efficient execution."

This principle has been acted upon by the general government from 1789 to the present day.



## SECTION VI. — RESTRICTIONS UPON THE NATIONAL GOVERNMENT.

The Constitution provides, that the slave trade could be prohibited by the Congress after the year 1808. At that time a law of Congress went into effect imposing heavy penalties upon persons engaged in the slave trade. In 1820 the slave trade was declared to be "piracy," to be punished with death.

Since the late civil war, our nation has happily been freed from the incubus of human slavery.

The Constitution expressly prohibits any *ex post facto* law and any bill of attainder.

It is also provided that direct taxes levied by the national government shall be in proportion to the population, and that no title of nobility shall be granted by the United States, and also that "No money shall be drawn from the treasury but in consequence of appropriations made by law."

## RESTRICTIONS UPON THE STATES.

It may also be stated just here that the Constitution places the following restrictions upon the several states: —

1. No state shall enter into any treaty, alliance, or confederation.

2. Grant letters of marque and reprisal.
  3. Coin money.
  4. Emit bills of credit.
  5. Make anything but gold and silver coin a tender in payment of debts.
  6. Pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.
  7. Or grant any title of nobility.
- 

#### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the purposes of the Constitution?
2. Describe the growth of the national element.
3. What advantages from having two houses of Congress.
4. How are the representatives to Congress chosen?
5. Qualifications.
6. Number of representatives.
7. Territorial delegates — how many? What for?
8. Officers of the House — what are they and how chosen?
9. Who is liable to impeachment, and how is impeachment brought about?
10. Senators — how chosen?
11. Qualifications of senators.
12. Presiding officer in Senate and other officers.
13. The trial of impeachments — how carried on?
14. What is meant by a "session" of Congress?
15. What is meant by a "Congress"?
16. Are the salaries of senators and members of Congress the same? Why should they be?

17. Tell us all about "national taxes."
18. Meaning of *ad valorem* and *specific*.
19. Describe the process for becoming naturalized.
20. Discriminate the meaning of the words "bankrupt" and "insolvent."
21. What was Patrick Henry's objection to the "sweeping clause"?
22. Name some restrictions upon Congress. Where are they found in the Constitution? Read in full the section.
23. Name the restrictions here placed upon the several states. What section and article in the Constitution is this?

## BLACKBOARD OUTLINE.

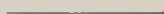


### THE EXECUTIVE DEPARTMENT.

The President.		The Vice-President.
How Elected.		

### PRESIDENTIAL ELECTORS.

How many.		Vote when.
How elected.		Votes counted when.
When elected.		President inaugurated when.



President's Qualifications.		Presidential Succession.
President's Duties.		Executive Departments.

## CHAPTER II.

### THE EXECUTIVE DEPARTMENT.

IN the natural order of things, we have considered, first the legislative department of our national government. We now proceed to examine the second great department, the executive power. This is treated of under the second article of the Constitution which begins as follows : —

“ The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows : ”

By this clause we observe that, —

1. The executive power is vested in one person.
2. He is elected for the term of four years.
3. The Vice-President is elected for the same term.

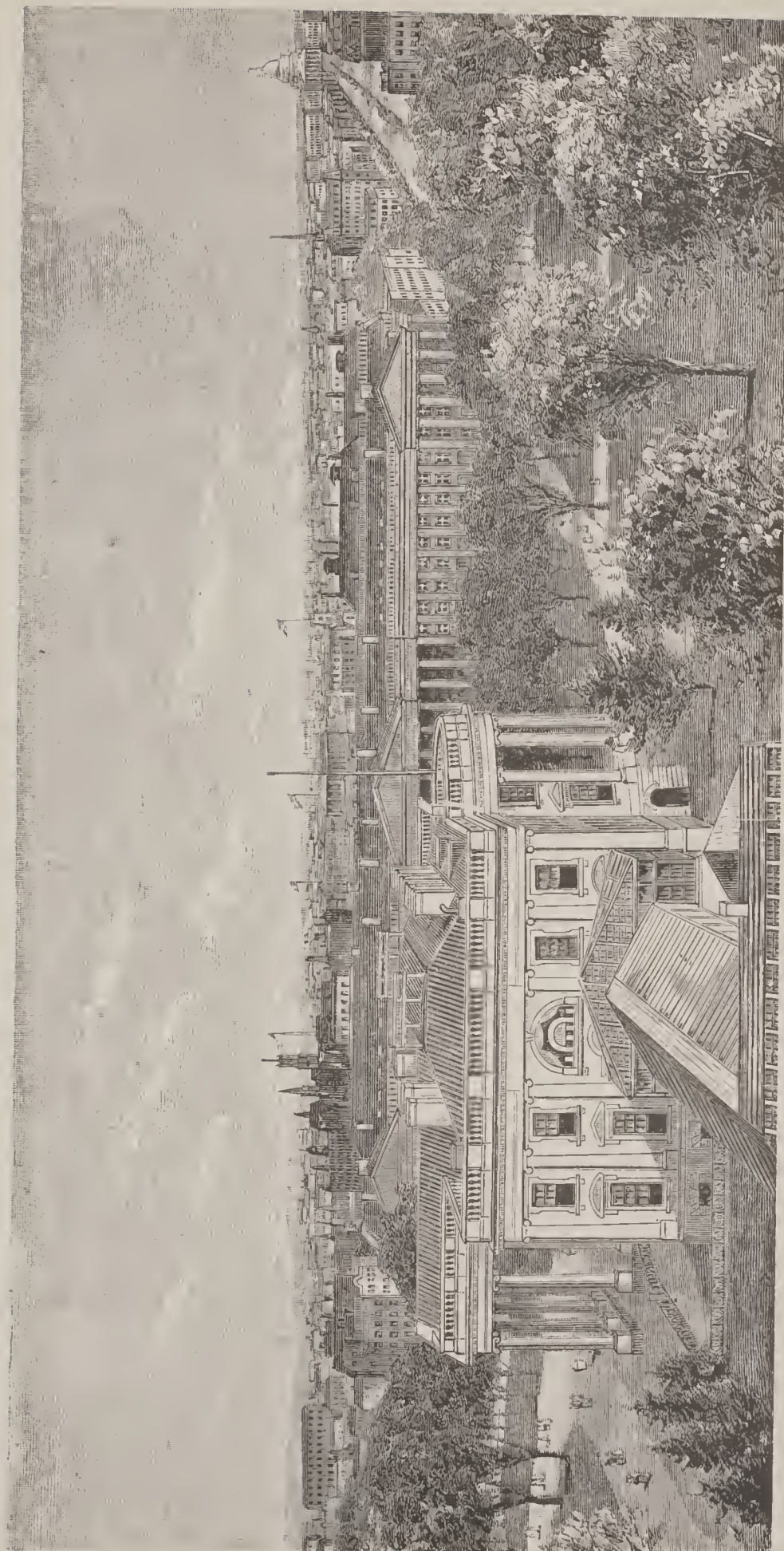
The following is the list of the Presidents, with their terms of office : —

1. George Washington, two terms, 1789 to 1797.
2. John Adams, one term, 1797 to 1801.
3. Thomas Jefferson, two terms, 1801 to 1809.
4. James Madison, two terms, 1809 to 1817.



5. James Monroe, two terms, 1817 to 1825.
6. John Quincy Adams, one term, 1825 to 1829.
7. Andrew Jackson, two terms, 1829 to 1837.
8. Martin Van Buren, one term, 1837 to 1841.
9. William Henry Harrison, one month, 1841.
10. John Tyler, three years and eleven months, 1841 to 1845.
11. James K. Polk, one term, 1845 to 1849.
12. Zachary Taylor, one year and four months, 1849 to 1850.
13. Millard Fillmore, two years and eight months, 1850 to 1853.
14. Franklin Pierce, one term, 1853 to 1857.
15. James Buchanan, one term, 1857 to 1861.
16. Abraham Lincoln, four years and one month, 1861 to 1865.
17. Andrew Johnson, three years and eleven months, 1865 to 1869.
18. Ulysses S. Grant, two terms, 1869 to 1877.
19. Rutherford B. Hayes, one term, 1877 to 1881.
20. James A. Garfield, four months, 1881.
21. Chester A. Arthur, three years and eight months, 1881 to 1885.
22. Grover Cleveland, one term, from 1885 to 1889.
23. Benjamin Harrison, from 1889 to —

It will be seen by the above table that we have had twenty-two Presidents in one hundred years. Of these, seven have been elected for a second term. Four Vice-Presidents have succeeded to the presidency by the death of the President.



THE EXECUTIVE MANSION.

THE TREASURY BUILDING.

THE CAPITOL

A VIEW IN WASHINGTON.





**Presidential Electors.** — The Constitution says that, —

“Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.”

The several points embodied in this clause are as follows : —

1. The President is appointed by electors, and not by the immediate vote of the people.
2. The number of electors in each state.
3. Any person holding a United States office is prohibited from being an elector.

It was thought by the framers of the Constitution, that, if the direct choice of the President was taken from the people, and placed in the hands of electors chosen by the people, who would unquestionably be selected from the ablest and most trustworthy men of the nation, a wiser choice of President would be insured than if the people of the whole country were to vote directly for this officer. It was evidently the thought of the framers of the Constitution, that, after the electors had been appointed, they should meet and discuss the question and then determine for

whom their votes should be cast. The result, however, has proved that the election of President is not left in the hands of the electors, but is, in reality, determined by the people when they elect the presidential electors.

According to the custom which now prevails, the electors are practically pledged beforehand to vote for a certain candidate, who has been previously nominated in a national convention of a political party. The electors therefore exercise no discretion in their vote.

**Number of Electors.** — The number of electors is determined by the Constitution.

1. In the first place, each state is entitled to two electors corresponding to the equality of the states in the Senate.

2. In addition to these two, the number of electors to which each state is entitled, is fixed in accordance with the population of the state. We have seen that Congress determines once in ten years the number of representatives to which each state is entitled in the Congress. Each state is then entitled to as many electors as it has representatives in Congress. The whole number of electors therefore for each state is equal to the whole number of representatives and senators which that state sends to the Congress.



**Time of choosing Electors.** — The day for choosing the electors was fixed by an act of Congress, passed in 1845, as the Tuesday next after the first Monday in November. All the states choose their electors on the same day. The legislature of each state directs the manner in which these electors shall be elected. There have been heretofore four different modes of electing the electors : —

1. By joint ballot of the state legislatures.
2. By a concurrent vote of the two branches of the legislature.
3. By the popular vote of the state on one joint ticket.
4. By the people voting in districts.

The method now adopted by all the states is that of the people of the whole state voting by general ticket. By this method the vote of no state is divided, but the entire state vote is counted for the electoral college as nominated by one party or another.

**Electors Vote.** — In accordance with an act passed by Congress, February 3d, 1887, the electors meet in their respective states on the second Monday in January, to give their votes for President and Vice-President.

The electors give separate votes for the President and Vice-President by ballot. They then make three certificates of all the votes given.

These certificates they must sign and seal, and certify on each certificate that there is contained within a list of the votes of the electors of such a state (naming it), for President and Vice-President. One of these certificates is delivered to the judge of the United States District Court for that district in which the electors are assembled. A second certificate is forwarded forthwith, by mail, to Washington, directed to the President of the Senate. The electors appoint a person as special messenger to take the third certificate, carry it to Washington and deliver it to the President of the Senate. This special messenger is paid a sum fixed by law, on the mileage principle. The three certificates of the election of these electors are transmitted with the certificates of their votes.

**Votes Counted.** — The votes for President and Vice-President are counted on the second Wednesday of February in the hall of the House of Representatives in presence of both houses of Congress, the President of the Senate presiding. On that day the Senate marches in a body from the senate chamber to the other wing of the Capitol, and enters the hall of the House, the members of the House standing to receive them. All being seated, the President of the Senate opens the certificates in the presence of the two

houses, and hands them to the tellers, previously appointed by the two houses respectively, who count the votes, state by state, in alphabetical order, beginning with the letter A, and each vote, together with the aggregate vote, is declared by the presiding officer. This method gives dignity and insures fairness in the proceeding.

**Election by the House.** — In case no person receives a majority of the votes cast by the electors for President, the choice of a President is referred to the House of Representatives. The House must immediately proceed to the election of President, and the members are restricted in their votes to the three highest candidates in the vote by the electors. In thus voting for the President, the vote must be taken by states, the representatives from each state having one vote. The vote cannot be taken except a quorum shall be present, and this quorum is determined by the Constitution to be one or more representatives present from two-thirds of the states. It is possible that the House might be so divided as to be unable to elect any one of these three highest candidates. The Constitution provides for this emergency. The House must continue voting until the fourth day of March, when the session and the Congress expires. In case they make no choice prior to that date, then the Constitution

provides, that “ The Vice-President shall act as President, as in the case of death, or other constitutional disability of the President.”

**Vice-President elected by the Senate.** — If there is no election of Vice-President by the electors, the Senate, immediately after the vote has been counted, — that is, on the second Wednesday in February, — proceeds to choose a Vice-President. There must be a quorum present for this purpose; and the Constitution fixes that quorum as two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. The senators must choose the Vice-President from the two highest numbers on the list voted for by the electors.

As the Vice-President may become President, the Constitution wisely provides that, —

“No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.”

**Qualifications.** — The qualifications for President are as follows: —

1. He must be a native-born citizen.
2. He must have attained to the age of thirty-five years.
3. He must have been for fourteen years a resident within the United States.



No other qualifications than these three are fixed by the Constitution. The qualifications for the Vice-President are the same as for the President.

Observe the qualifications requisite for representatives to Congress, for senators, and for the President and Vice-President.

1. A representative must be twenty-five years of age ; a senator, thirty ; and a President or Vice-President, thirty-five.

2. A representative must have been a citizen of the United States seven years ; a senator, nine years ; and a President or Vice-President must be native born.

3. A representative must be an inhabitant of the state for which he is chosen ; a senator the same ; and a President must have resided within the United States fourteen years.

**The Vice-President.** — So long as the President performs the duties of his office, the Vice-President has no connection with the executive department, but is merely President of the Senate. In the case of the removal, resignation, or inability of the President, the Vice-President becomes President for the remainder of the presidential term.

The Vice-President has filled the presidential chair in four instances : —

1. After the death of President Harrison, Vice-President John Tyler filled the office of President from 1841 to 1845.



2. On the death of President Taylor, Millard Fillmore was President from 1850 to 1853.

3. Andrew Johnson, after the death of Abraham Lincoln, was President from 1865 to 1869.

4. Chester A. Arthur succeeded to the presidency on the death of President Garfield, and held that office from 1881 to 1885.

No Vice-President who had become President has died during his term of office. Congress has, however, by a law passed January, 1886, provided that in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, if there be one, shall become President, and hold the office during the remainder of the presidential term of four years; and in case there is no Secretary of State, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, and next in order the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.

If either of the foregoing officers does not have the three qualifications requisite for a President, he is not eligible to fill the vacancy, and the next officer in order who is eligible would become President for the remainder of the the term.

**Salary.** — The salary of the President was originally fixed at twenty-five thousand dollars a year. Since 1873 it has been fifty thousand dollars a year. The salary of the Vice-President is eight thousand dollars a year.

**The Powers of the President.** —

1. "The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states when called into actual service of the United States."

2. "He shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

3. He makes treaties with foreign nations with the advice and consent of the Senate.

4. He appoints "ambassadors, foreign ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein provided for, and which shall be established by law."

5. He has power to make temporary appointments of officers of the United States when vacancies happen during the recess of the Senate.

**Impeachment.** — "The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors."

**Executive Departments.** — The executive business of the government is divided among eight executive departments as follows : —

1. The Department of State.
2. The Department of the Treasury.
3. The Department of War.
4. The Department of the Navy.
5. The Department of the Post-Office.
6. The Department of the Interior.
7. The Department of Justice.
8. The Department of Agriculture.

The Constitution places the full executive power in the hands of one man, the President. It makes no provision for the Cabinet; but it gives the President authority to “require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.” This implies that executive departments will be established so that the various and multiform duties pertaining to the executive work of the national government may be efficiently and systematically performed. The eight departments just mentioned have been established by Congress, and several of them have been subdivided into bureaus. The heads of all these departments are appointed by the President, by and with the advice and consent of the Senate.

The salaries of these officers are eight thousand dollars each per annum.

**The Department of State.** — Originally this was styled the Department of Foreign Affairs. The Secretary of State is generally considered the highest officer in rank of the executive departments under the President. It is his duty to keep the seal of the United States, and to affix it to all commissions granted by the President. He issues all proclamations in the name of the President, and furnishes copies of papers and records of his office when required.

He keeps the correspondence with foreign powers and preserves the original of all laws, public documents and treaties with foreign nations. It is his duty to conduct the correspondence with our ministers and consuls to other countries, with foreign ministers accredited to our government, and in general he has charge of matters pertaining to our foreign relations. He issues passports to our citizens visiting foreign countries, and warrants for the extradition of criminals to be delivered up to foreign governments.

The Department of State has a diplomatic bureau, a consular bureau and a domestic bureau.

**Public Ministers and Consuls.** — All persons who are sent abroad to represent our government are connected with the Department of State.

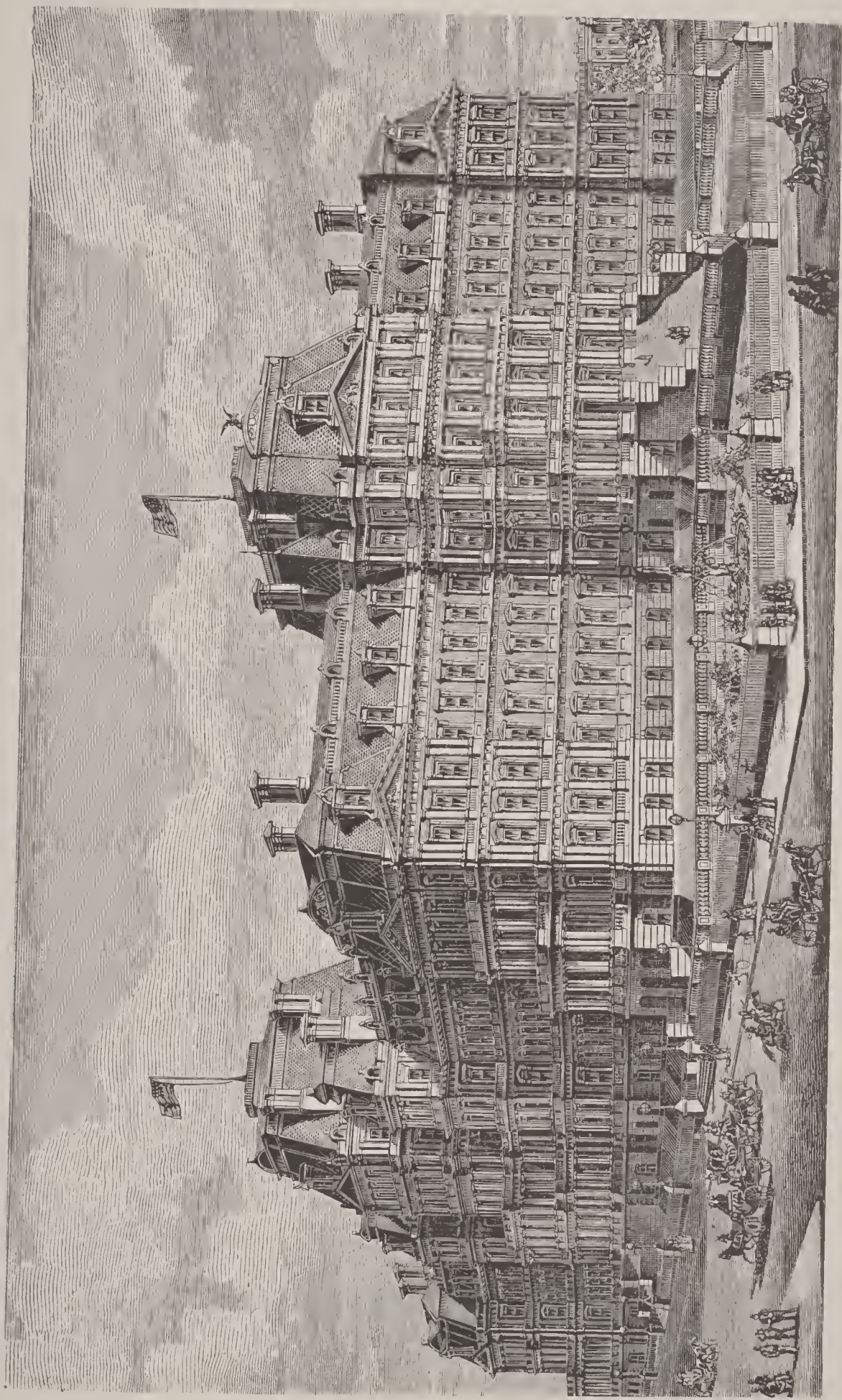
The different ranks of our ministers are as follows: —

1. Ambassadors.
2. Envoys Extraordinary and Ministers Plenipotentiary.
3. Ministers Resident.
4. *Chargés d'Affaires*.
5. Secretaries of Legation.

The Ambassador and the Envoy Extraordinary, and Ministers Plenipotentiary have the same pay and appear to be of the same rank. Strictly speaking, we never send ambassadors to foreign governments. The salaries of our foreign ministers range from ten thousand dollars to seventeen thousand five hundred dollars a year.

*Chargés d'Affaires* receive five thousand dollars each. The Secretary of Legation is the clerk to the Foreign Embassy. Consuls are not diplomatic agents of our government, but are commercial agents residing abroad, whose duty it is to watch over the interests of our commerce and of our citizens, in the ports of the different countries. They are charged also with protecting the rights of our seamen. The salaries of Consuls-General and commercial agents range from one thousand dollars to six thousand dollars per annum. Many consuls are paid principally by fees.





THE NEW STATE, WAR, AND NAVY BUILDING.



**The Treasury Department.** — Of late years the importance of this department has gradually increased. During the Civil War the government issued bank bills, termed “greenbacks,” and established a system of national banks, which have increased materially the number of officers and employees in this department. Under the Secretary of the Treasury are the following officers : —

1. The Comptroller.
2. Auditor.
3. Treasurer.
4. Register.
5. Assistant Secretary.

This department has charge of the revenue, superintends its collection, grants warrants for money to be issued from the treasury, in pursuance of appropriations made by law, and generally performs all needful services relative to the finances of our country. In the Treasury Department are the following bureaus : —

1. The Bureau of the First Comptroller.
2. The Bureau of the Second Comptroller.
3. The Bureau of the First Auditor.
4. The Bureau of the Second Auditor.
5. The Bureau of the Third Auditor.
6. The Bureau of the Fourth Auditor.
7. The Bureau of the Fifth Auditor.
8. The Bureau of the Sixth Auditor.



9. Treasurer.
10. Register.
11. Commissioner of Customs.
12. Comptroller of Currency.
13. Commissioner of Internal Revenue.
14. Bureau of Statistics.
15. The Mint.
16. Bureau of Engraving and Printing.

**Coast Survey.** — The office of the Coast Survey is connected with the Treasury Department. This office prepares charts from actual surveys of the seacoast of the United States. The surveys of the Great Lakes are under the control of the War Department.

**Light-Houses.** — The light-houses of the United States were formerly under the control of the Treasury Department, but for nearly forty years past have been committed "to the Light-House Board of the United States." This board consists of three officers of the army, three of the navy, and two civilians noted for their scientific attainments, with the Secretary of the Treasury president of the board *ex officio*. This board has in charge between one thousand and two thousand light-houses, besides light-vessels, beacons and buoys innumerable.

Under this department also is the Supervising Architect, who has general charge of the plans and construction of all United States buildings,

such as custom-houses, court-houses, post-offices, etc.

**The War Department.** — This department has various subdivisions as follows: —

1. The Office of Adjutant-General.
2. The Office of the Quartermaster-General.
3. The Office of the Commissary-General.
4. The Office of the Postmaster-General.
5. The Office of the Chief of Engineers.
6. The Ordnance Office.
7. The Signal Office.
8. The Bureau of Military Justice.

The Bureau of Military Justice is in charge of an officer with the rank of a Brigadier-General, called a Judge-Advocate-General. Under this department is the United States Military Academy at West Point. This school was established for the education of officers for the army.

**West Point.** — The students are termed cadets, and number between three and four hundred. They are appointed as follows: One from each congressional district, one from each of the organized territories, one from the District of Columbia, and ten from the United States at large. These are all appointed by the President, but each member of the national House of Representatives nominates the candidate for his district. The President appoints the ten candidates



at large. Candidates for appointment must not be less than seventeen nor more than twenty-two years of age, and they are expected to serve in the army eight years, unless sooner discharged.

The examination for admission to West Point is careful and accurate upon the elements of a good education. In arithmetic, geography, English grammar, reading, writing, spelling, and the history of the United States, thoroughness and accuracy are required.

It has become customary of late for congressmen to hold competitive examinations, and to nominate for vacant positions at West Point those who have passed the best examinations in respect to mental qualifications and scholarship, with good physical health, strength, and development.

The superintendent and principal members of the faculty are regular officers in the army.

Each cadet receives an allowance during his term of study sufficient to pay his necessary expenses for clothing, board, etc. The entire expense of the academy is met by the United States government. Congress makes annually for this purpose an appropriation of three hundred thousand dollars or more.

**The Department of the Navy.** — This department is divided into eight bureaus, as follows:—

1. The Bureau of Yards and Docks.
2. The Bureau of Equipment and Recruiting.
3. The Bureau of Navigation.
4. The Bureau of Ordnance.
5. The Bureau of Medicine and Surgery.
6. The Bureau of Provisions and Clothing.
7. The Bureau of Steam Engineering.
8. The Bureau of Construction and Repairs.

**Naval Academy.** — Under the charge of this department is maintained, at Annapolis, Md., a naval academy similar to the military academy at West Point. To enter this academy as cadet-midshipman, the student must not be less than fourteen, nor more than eighteen, years of age. The same number is allowed as at West Point, and by the same method of appointment. The course of study embraces six years, and the student on graduating becomes midshipman, subject to promotion as vacancies occur. This academy requires an annual appropriation from the government of two hundred thousand dollars or more.

**The Department of the Post-Office.** — Probably this is the oldest department under our government. Prior to the Revolution the British government had established a system of mails through these colonies, and Dr. Benjamin Franklin was the superintendent of this system. In July, 1775, only a month later than the battle of

Bunker Hill, Doctor Franklin received from the Second Continental Congress the appointment of Postmaster-General of the United Colonies.

In September, 1789, the first Congress under the Constitution made provision for the establishment of the post-office system, and appointed a Postmaster-General. As a matter of fact, the Federal government never passed an act establishing the Post-Office Department. It was assumed to be in existence, and various acts were passed for regulating its management. There are three assistant postmasters-general: The first assistant is in charge of the Appointment Office, the second of the Contract Office, the third of the Finance Office. There is also a Superintendent of Foreign Mails.

The chief officer of the Money-Order Bureau is styled the Superintendent of the Money-Order System.

It will readily appear that great care, promptness, and accuracy is needed in assorting mail-matter and preparing it for delivery. Especially is this true of the principal lines of railroads leading to large cities; for example, between New Haven and New York, or between Philadelphia and New York; and a large number of mail-agents are required in the mail-cars, whose business it is to assort the mail-matter, and deposit it

in proper pouches, carefully marked, that on arrival at New York the matter can at once be placed in the proper boxes in the post-office and delivered with the least possible loss of time. •

**Distributing Offices.** — Formerly, in all large cities, there was a distributing post-office. Into this department the mail-pouches had to be brought from all directions, which contained matter to be forwarded to distant points. All this matter had to be overhauled, arranged, and put into the proper pouches for further transportation; for example, at New York, mail-matter from New England, designed for the South and West, would be all poured out upon large tables, assorted, divided, and thrown into proper pockets for carrying to Philadelphia, Harrisburg, Baltimore, Washington, etc.; while at the same time, and at the same distributing office, would be received the mails from the South and West, to be overhauled in like manner, and forwarded to the East.

Much time was consumed by this frequent change and examination of mail-matter. Time has now become so important a factor in the transaction of business that every facility must be employed for the rapidity of transmission. Hence most of the distributing offices have been abolished, and mail-pouches are now made up in Boston, New York, Philadelphia, and all large



cities, to be forwarded through to the most distant points, like San Francisco, Portland, Montreal, and Quebec.

**Cheap Postage.** — Formerly, but within the recollection of persons now living, it cost five cents to transmit an ordinary letter to any post-office within thirty miles, ten cents for a longer distance, and from that up to twenty-five cents across the continent.

All postage was then paid by the receiver at the end of the route. Fifty years ago there was no prepayment of postage, and more than forty years ago a law was passed by Congress establishing the postage of a single letter at three cents for any distance within our country, provided the sender should pay the postage; if not prepaid, the postage should be five cents.

In this way people became accustomed to prepaying postage, so that after a few years another act was passed by Congress, requiring prepayment of postage on all letters, establishing the rate at three cents for an ordinary letter without regard to distance. At the present time the postage on letters not exceeding an ounce in weight is two cents to any part of our country, and including the British Provinces of North America.

Some years ago a postal league was entered



into by the principal civilized nations of the earth, establishing the uniform rate of five cents as the postage for all letters, of proper weight, from any one of the countries within the postal league to any other.

The experiment of cheap postage, which was first introduced into Great Britain, a generation or more ago, has proved entirely successful. In that country the contest for this improvement was severe and protracted. Rowland Hill and others devoted themselves with great energy to the philanthropic enterprise of bringing about this much-needed reform.

When the reduction of rates had proved successful in the mother country, it was quickly introduced by our government, and from time to time, as the rate of postage has been diminished, it has been found that the receipts of the Post-Office Department have increased. At the present time the Post-Office Department more than pays for itself, excepting in the more sparsely populated districts of some sections of our country.

**The Department of the Interior.** — This department was established in 1849. Under it are : —

1. The Patent Office.
2. The Pension Office.
3. The Land Office.

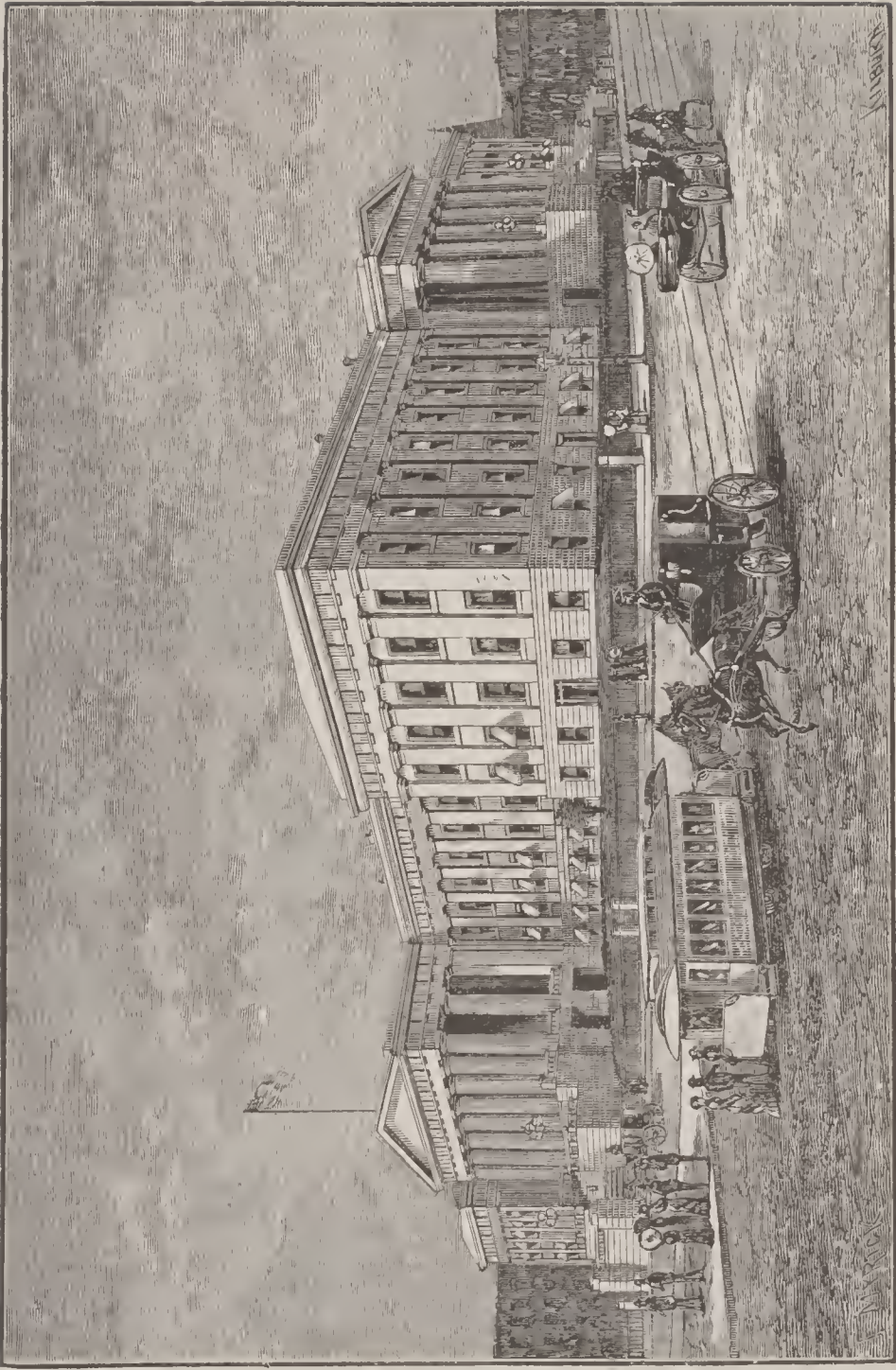
4. The Science Bureau.
5. The Bureau of Indian Affairs.
6. The Bureau of Education.

The business of the Patent Office is conducted under the direction and control of the Commissioner of Patents, who receives applications and superintends the granting and issuing of patents in accordance with the various acts of Congress passed at different times on this subject. The business of the office is to grant letters-patent to

“inventors or discoverers of any new or useful art, machine, manufacture or composition of matter, or any new and useful improvement on such, which had previously been unknown, and which had not been used by others, and which had not been on sale or in public use for more than two years prior to the application for a patent.”

The Patent Office employs many clerks called examiners, who investigate the claims of every invention for which a patent is solicited. The patent itself is the official document issued in the name of the United States, and is granted for the period of seventeen years. Its actual cost is thirty dollars.

Each article offered for sale by the patentee must have stamped upon it the word “patent” with the date when the patent was issued.



THE PATENT-OFFICE BUILDING.





**The Pension Office.**— Since the Civil War, this office has grown to gigantic proportions. It has in charge the entire matter of granting pensions and keeping the accounts thereof in accordance with the laws passed by Congress at different times upon this subject. The Pension Office in Washington is an immense building, filled with clerks who are constantly employed in keeping the records and attending to the accounts of pensions and pensioners. The business of this office has grown from year to year, and the amount of money disbursed by it has increased, until, at the present time, the aggregate amount of pensions paid is in the neighborhood of one hundred million dollars a year.

**The Land Office.**— The chief officer of this bureau is styled the Commissioner of the General Land Office. Under the commissioner are the following officers:—

1. Surveyors-General.
2. Registers of Land Offices.
3. Receivers of Land Offices.

Many years ago the United States adopted a system of survey for the public lands. This system provides that the immense tracts of western lands belonging to the United States government should be divided into ranges, townships, sec-



tions, and fractions of sections. The ranges are bounded by meridian lines six miles apart, and are numbered from a standard or principal meridian east and west. These ranges are divided into townships of six miles square, and numbered from a given parallel north and south.

The townships are divided into thirty-six sections, each one mile square, and hence embracing six hundred and forty acres. These sections are divided, as may be needed, into halves, quarters, eighths, and in some cases sixteenths. The sections in a township are numbered as indicated in the following diagram:—

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

This system of marking the division of lands makes the description of any individual tract very simple.

If one should purchase a section, the deed would specify the number of the section,—in such a township and such a range; or if a quarter-section were purchased, the description might be as follows:—

The northeast quarter of section twenty-four, township seventeen north, range nine east of third principal meridian. The government sells this land and issues a patent, which is signed by a secretary appointed by the President, and also signed by a proper recorder of the land office.

The quarter-section is one hundred and sixty acres. These quarter-sections are divided into lots of forty acres each. If one lot was sold, it would be indicated as follows:—

The northwest quarter of northeast quarter of section seventeen.

		<i>B</i>	<i>A</i>
		<i>C</i>	<i>D</i>

SECTION 17.

In the above diagram the description just given applies to lot B.

**The Bureau of Indian Affairs.** — This bureau, established in 1832, is in charge of a Commissioner of Indian Affairs, and has the management of all matters arising out of the relation of the government to the Indians. It cares for, pays to, or expends for, their benefit, all moneys due on account of lands ceded by Indians to the national government; looks after their interests in lands reserved; has begun the work of allotting and patenting a certain portion to each member of the tribe individually; preserves order upon Indian reservations through Indian police and Indian courts; employs agents, farmers, and mechanics to live among the Indians and teach them the occupations and customs of civilized life; assists the Indians in building houses, opening farms, and getting a start in civilization; and educates their children.

**Indian Schools.**—On Indian reservations are many day schools; but as a rule, Indian children are educated in industrial boarding schools. Most of these are on reservations; but the government supports also large schools off reservations among white communities, where the pupils have special opportunities for acquiring civilized habits and customs. In addition to these schools, which are wholly sustained by the government, the Indian Office makes contracts for the educa-

tion of Indian youth in various private or denominational schools. The work of the Indian Bureau, and especially of the Indian schools, is growing in importance and in public interest. Many think that all tribal relations should cease, and that the Indians should be treated as individuals, the same as all other races are treated.

**The Bureau of Education.** — This bureau was established by Congress nearly twenty-five years ago for the purpose of collecting statistics relating to educational matters in the different states and territories of the Union, and of promoting the progress of education throughout the nation. It is especially designed as a central medium of communication on educational subjects between the various states of the Union and between this country and foreign nations. It is placed in charge of an officer styled the United States Commissioner of Education. This bureau has proved itself of great educational value to the country.

**The Department of Justice.** — The office of Attorney-General was created by the first Congress in 1789, but the Department of Justice was not established until 1870. This officer, however, has always been recognized as a member of the Cabinet. Under the Attorney-General are: —

1. The Solicitor-General.
2. An Assistant Attorney-General.
3. An Assistant Attorney-General for the Court of Claims.
4. An Assistant Attorney-General in the Department of the Interior.
5. An Assistant Attorney-General in the Post-Office Department.
6. A Solicitor of Internal Revenue.
7. Naval Solicitor.
8. Examiner of Claims.
9. Solicitor of the Treasury.
10. An Assistant Solicitor.

All of these officers are appointed by the President and Senate. Besides these officers, in this department are employed many persons as clerks, copyists, etc.

**Money and Banking.** — We have already considered the coins of our country. Our money system is bi-metallic, both gold and silver coins being legal tender. The gold and silver coins are the ordinary and legitimate legal tender in payment of debts. This is customary among the nations generally.

The rapid growth of our country, with the corresponding increase of business and population, has made it impossible for us to secure a sufficient amount of coin to carry on the necessary business of the country. Moreover, bank bills are far



more convenient than either gold or silver for large business transactions.

Banks were early established under charters from the various states. This is not prohibited by the Constitution. Prior to the Civil War, the bank notes issued by the various state banks in all parts of the country amounted to a very large sum, and were an important aid in carrying forward the immense business of the country.

The exigencies of the times during the Civil War, especially the need for very large sums of money by the government to carry on the war, gave occasion for new legislation by the national government upon this subject.

In 1864 a bill was passed by Congress, providing for a bureau of currency in the Treasury Department under the direction of an officer called the Comptroller. This bill provides that national banks may be formed by voluntary associations, with power to issue bills, receive deposits, loan money, and perform the ordinary functions of banks.

A year or two later Congress passed another act, levying a tax of ten per cent upon all notes issued by state banks used for circulation after August 1, 1866. Practically, this, of course, excluded the bills of the state banks from circulation, so that nearly all of those banks throughout the

country either closed their business, or transferred it to national banks, which were formed to take the place of the old state banks.

**Treasury Notes.** — During the war the government issued a paper currency, usually denominated treasury notes, or, as they were called in common language, “greenbacks,” from the circumstance that the engraved back of the note was printed in green ink. The government made these greenbacks legal tender in payment of debts, and paid them out from time to time for army supplies, soldiers’ pay, and other current expenses.

Large amounts of these greenbacks continued to circulate throughout the country with a somewhat uncertain and fluctuating value until 1879, when the government began to redeem them in gold at par. Since then their circulation has been continued on a par value with gold and the national bank notes. The government, however, has redeemed and retired them to such an extent that the amount in circulation is now very small. It will thus be seen that the Treasury Department of government acts in some sense as a bank of issue. It does not loan the money as other banks do, but pays out its bills for current expenses.

The Constitution provides that the national

government shall absolutely control the coinage of money. It prohibits the states severally from making anything but gold and silver coin a legal tender in payment of debts, and now, by bringing into operation this system of national banks, which has proved so eminently successful, our federal government, as it would appear, has established the principle that all forms of money and currency should be under its control.

**The Department of Agriculture.** — This department was formerly a bureau under the Department of the Interior. By a recent Act of Congress, on account of its growing importance and the rapidly increasing value of its work, it has been made into a distinct department, under the direction of a chief officer styled the Secretary of Agriculture, who is a member of the President's Cabinet.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Qualifications for President and Vice-President.
2. When are presidential electors elected?
3. Who can vote for presidential electors?
4. When do the presidential electors cast their votes?
5. When, where, and how are their votes counted?
6. When does the President take his seat, and what is the length of his term of office?
7. Describe the new law for the presidential succession.
8. Enumerate the powers and duties of the President.
9. What is the President's salary?
10. How are treaties made with foreign nations?
11. How do the qualifications for representative, senator, and President differ?
12. If there is no choice for the President by the vote of the electors, how is the President to be chosen?
13. If the electors make no choice for Vice-President, how is the Vice-President to be chosen?
14. How can a President be removed?
15. What officers constitute the President's Cabinet?
16. Write out in order the executive departments, and give the official title for the chief officer in these several departments.
17. Name the principal duties of the Secretary of State.
18. Give some account of our ministers to foreign governments.
19. Give a brief account of the Military Academy at West Point.
20. Of the Naval Academy at Annapolis.

21. Write an account of the national system of surveying and plotting public land.
22. Give some account of the Post-Office Department.
23. Of money and banking.
24. How is mail matter transported and distributed?
25. Give some account of the bureau of Indian affairs.
26. The Bureau of Education.
27. The Pension Office.



## BLACKBOARD OUTLINE.



### THE JUDICIAL DEPARTMENT.

- |                        |  |                       |
|------------------------|--|-----------------------|
| 1. The Supreme Court.  |  | 2. The Circuit Court. |
| 3. The District Court. |  |                       |

### SPECIAL COURTS.

1. Court of Claims.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

## CHAPTER III.

### THE JUDICIAL DEPARTMENT.

THE Constitution provides that there shall be “one Supreme Court and such inferior courts as Congress may from time to time ordain and establish.” In accordance therewith, Congress has established the following system of United States courts: —

1. The Supreme Court.
2. The Circuit Court.
3. The District Court.<sup>1</sup>

Besides these there are: —

1. Court of Claims, established in 1855.
2. Supreme Court of the District of Columbia.
3. Supreme Courts in the Territories.
4. District Courts in the Territories.

The Supreme Court at the present time consists of a Chief Justice and eight associate justices. These nine justices correspond to the number of circuits, and one of them is assigned to each circuit. There are nine Circuit Courts, with nine judges of these courts. Appeals may be taken from the Circuit Court to the Supreme Court. The Circuit Courts are presided over by a

<sup>1</sup> In 1891 Congress established a new court, called the *Circuit Court of Appeals*, with circuits and judges corresponding to the Circuit Court.

Circuit Judge, a District Judge, a Justice of the Supreme Court, or any two of them. These Circuit Courts are again divided into districts, every state having at least one District Court. Some of the larger states are divided into two or more districts.

The salaries of the district judges vary from thirty-five hundred dollars to five thousand dollars. The judges of the Circuit Courts receive a salary of six thousand dollars. The associate justices of the Supreme Courts have a salary of ten thousand dollars; and the Chief Justice of this court receives ten thousand five hundred dollars.

Only certain kinds of cases can be brought before the United States courts. These courts have jurisdiction in the following cases: —

1. All cases in law and equity arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
2. All cases affecting ambassadors, other public ministers, and consuls.
3. All cases of admiralty and maritime jurisdiction.
4. Controversies to which the United States shall be a party.
5. Controversies between two or more states.
6. Controversies between a state and the citizens of another state.
7. Controversies between citizens of different states.
8. Controversies between citizens of the same state, claiming lands under grants of different states.

9. Controversies between a state or the citizens thereof and foreign states, citizens, or subjects.

The judicial power of the United States is here extended to controversies between a state and citizens of another state. This clause gave much discussion at the time the Constitution was adopted, and the states were unwilling to be subjected to lawsuits brought in the federal courts by citizens of other states. Accordingly, an amendment to the Constitution was proposed, and on the 8th of January, 1798, the President announced to the Congress that the amendment had been adopted by three-fourths of the states, and was, therefore, a part of the Constitution. This constitutes the eleventh of the amendments, and is as follows: —

“The judicial power of the United States shall not be construed to extend to any suit in law, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.”

Such cases must be brought before the state courts.

The Constitution provided that whether in the United States courts or in the courts of any state

“The trial of any crimes, except in cases of impeachment, shall be by jury; and such trials shall be held in the state where the said crimes shall have

been committed ; but when not committed within any state the trial shall be at such place or places as Congress may by law have directed."

A jury consists of twelve men, selected according to law, to determine matters of fact in a legal trial. The right of trial by a jury of one's peers was a right highly esteemed by the people of Great Britain, which they a long time ago compelled their king to yield to them. This right is here made a part of the Constitution of our country, and although not yielding all the good fruit which might be desired, yet is considered as one of the guaranties of a fair trial to any one accused of crime.

This clause provides that all trials for crime shall be held in the state where such crime has been committed.

### **Treason. —**

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

This clause defines treason as consisting of only two things: —

1. In levying war against the United States.



2. In adhering to their enemies, giving them aid and comfort, and it provides that,

“No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.”

“The Congress shall have the power to declare the punishment of treason ; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.”

The terms here used refer to an English custom. The old English law provided certain consequences as to the mode of execution of one who had been convicted of treason. He was to be put to death in a cruel manner, and his conviction involved what was called attainder, and this worked corruption of blood, or forfeiture.

There was no judgment of attainder, but the attainder was incident to the conviction as a matter of course. This attainder, as a natural consequence, was supposed to include corruption of blood, or forfeiture. His property of every kind was forfeited. His children could not inherit property from his ancestors through him. What was termed “corruption of blood” destroyed the power to inherit property.

Our Constitution prescribes that the offender himself shall bear the punishment. It shall not descend to his children. There may be forfeiture,

but this is rather in the nature of a fine, made at his conviction. This clause does not mean that the forfeiture shall extend only during the life of the person. The forfeiture or fine once made, of course the property or fine goes to the government permanently and not temporarily.

### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Describe the organization of the Supreme Court of the United States.
2. What is the salary of the justices ?
3. Describe the United States Circuit Courts.
4. Who may preside in a Circuit Court?
5. Describe the District Courts.
6. Name the salary of a judge of the Circuit Court.
7. What are the limits of the salary of the district judges?
8. What cases may be brought before the United States District Courts?
9. Circuit Courts?
10. The Supreme Court?
11. What courts try ordinary cases of crime, and suits between citizens of any one state?
12. Should a crime be committed in a post-office building, or a custom-house building owned by the United States, in what court would the case be tried?
13. Discuss the question of "trial by jury."

## BLACKBOARD OUTLINE.



### MISCELLANEOUS PROVISIONS.

“Full Faith and Credit.”	“Records.”
“Public Acts.”	“Judicial Proceedings.”



New States.	Republican Government.
Territories.	Amendments.

## CHAPTER IV.

### MISCELLANEOUS PROVISIONS.

THE Constitution provides that: —

“ Full faith and credit shall be given to the public acts, records, and judicial proceedings of every other state, and the Congress may, by general laws, prescribe the manner in which said acts, records, and proceedings shall be proved, and the effect thereof.”

1. “ Full faith and credit.” By these words are meant that the other state shall give the same credit, which the state itself gives to the acts, etc., when these have been proven.

2. “ Public acts.” By these are meant the laws of the state, or the action of the legislature.

3. “ Records.” These refer to general matters of legal record, such as laws, real estate records, legislative journals, etc.

4. “ Judicial proceedings.” The reference here is to the acts of the courts, judgments, orders, proceedings. In obedience to the last part of the clause, Congress, at an early date, passed an act specifying that the acts of the legislature of a state shall be authenticated by its seal. The same act also specifies the form of proof neces-



sary for the records of a court, and the attestation of the clerk together with the certificate of the judge. Such records and proceedings must receive full faith and credit in the courts of other states.

### **New States.—**

“New states may be admitted by the Congress into this Union ; but no new state shall be formed or erected within the jurisdiction of any other state, or any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned, as well as of the Congress.”

The first added state was Vermont, which was admitted into the Union by an act of Congress in 1791.

In 1792, Kentucky was admitted.

In 1796, Tennessee was admitted.

In 1803, Ohio was admitted.

In 1812, Louisiana was admitted.

In 1816, Indiana was admitted.

In 1817, Mississippi was admitted.

In 1818, Illinois was admitted.

In 1819, Alabama was admitted.

In 1820, Maine was admitted.

In 1821, Missouri was admitted.

In 1836, Arkansas was admitted.

In 1837, Michigan was admitted.

In 1845, Florida was admitted.

In 1845, Texas was admitted.  
In 1846, Iowa was admitted.  
In 1848, Wisconsin was admitted.  
In 1850, California was admitted.  
In 1858, Minnesota was admitted.  
In 1859, Oregon was admitted.  
In 1861, Kansas was admitted.  
In 1863, West Virginia was admitted.  
In 1864, Nevada was admitted.  
In 1867, Nebraska was admitted.  
In 1876, Colorado was admitted.  
In 1889, North Dakota was admitted.  
In 1889, South Dakota was admitted.  
In 1889, Montana was admitted.  
In 1889, Washington was admitted.  
In 1890, Idaho was admitted.  
In 1890, Wyoming was admitted.

It will thus be seen that by the recent admission of the six states last mentioned, we now have in our federal Union forty-four states.

### **Territories. —**

“The Congress shall have power to dispose of, and make all needful rules and regulations, respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.”

In accordance with this provision, Congress has from time to time passed laws regulating the organization of the territories and providing for territorial governments. We have at the present time, in addition to the forty-four states just mentioned, the District of Columbia, the Indian Territory, the unorganized Territory of Alaska, and four territories with regularly organized territorial governments as follows : —

- |                |              |
|----------------|--------------|
| 1. New Mexico. | 3. Utah.     |
| 2. Arizona.    | 4. Oklahoma. |

### **Republican Government. —**

“The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence.”

By this section a republican government is made obligatory upon all the states. No particular department of the United States government is charged with this duty. It would seem reasonable that Congress should decide what government is the established one in a state, and this has been sanctioned by a decision of the Supreme Court. It would seem necessary also that the

President, as the executive officer of the national government, and commander-in-chief of the armies of the nation, should see that the provisions of this section should be enforced.

### Amendments. —

“The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on application of the legislature of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress: *provided* that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.”

Two modes of proposing amendments are here given, and there may be two modes of ratification: —

1. Amendments to the Constitution may be proposed to the several states by a two-thirds vote of both houses in Congress.

2. Amendments may be proposed by a convention, on the application of the legislatures of two-thirds of the states.

Whenever amendments have been proposed to the states by either of these methods, there are two ways in which they may be ratified: —

1. By the legislatures of three-fourths of the several states.

2. By conventions in three-fourths of the several states, as the one or the other mode of ratification may be proposed by Congress.

As a matter of fact, all the amendments which have been hitherto made have been proposed to the states by Congress; and they have all been ratified by the legislatures. It is probable that this method, which has proved satisfactory in the past, will not be departed from in the future.

### **Supreme Law of the Land. —**

“This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

This clause is of paramount importance in showing that the government of the United



States is supreme, and must be, not merely over the people, but over the land of the whole country, in all places belonging to this nation.

The Constitution, laws, and treaties are here made the supreme law of the land; and the statement is explicit and emphatic, that “the judges of every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”

“The ratifications of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.”

As a matter of fact, the adoption of this Constitution was a peaceful revolution.

The Articles of Confederation provided as follows:—

“And the Articles of this Confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.”

They further provide,—

“That the articles thereof shall be inviolably observed by the states they respectively represent, and that the union shall be perpetual.”

Contrary, then, to these provisions of the Articles of Confederation, which were emphatically the supreme law of the land, this Constitution provides that it should go into effect between nine states as soon as ratified by that number.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What is meant by "full faith and credit"?
2. "Public acts"?
3. "Records"?
4. "Judicial proceedings"?
5. How may new states be admitted?
6. What power has Congress over the territories?
7. What has been the uniform method of proposing amendments to the Constitution?
8. What has been the uniform method of adopting amendments to the Constitution?

## BLACKBOARD OUTLINE.



### AMENDMENTS TO THE CONSTITUTION.

First Ten Amendments. — A Bill of Rights.

Eleventh Amendment. — Judicial Department.

Twelfth Amendment. — The Election of President.

Thirteenth Amendment. — Slavery.

Fourteenth Amendment. — Citizenship, Congressional Representation, Inability to hold Office under the United States, the Public Debt.

Fifteenth Amendment. — Shall not deny or abridge the right to vote.

Putting the Constitution into Operation.

## CHAPTER V.

### THE AMENDMENTS TO THE CONSTITUTION.

CONVENTIONS were called in the several states to discuss and adopt, or reject, this Constitution. After a time it was adopted by all of the thirteen original states, yet in several conventions there was a strong desire for certain modifications to satisfy the evident will of the people.

Congress, at its first session under the Constitution, proposed to the states twelve articles of amendment. Of these articles ten were ratified by the legislatures of three-fourths of the states, and became part and parcel of the Constitution from the fifteenth day of December, 1791. These constitute the first ten of the amendments to the Constitution. They, in general, relate to the rights of the people and to limitations of government. (The teacher is advised to turn to the Constitution, and read these amendments, discussing them in an informal way with the class.)

The Eleventh Amendment was proposed at the first session of the Third Congress, in 1794, and was declared adopted as a part of the Constitution January 8, 1798.



This amendment, which has been already considered, restricts the judicial power of the United States in suits at law between one of the United States and citizens of another state.

The Twelfth Amendment relates to the manner of electing President and Vice-President, and has already been considered. It was proposed by the first session of the Eighth Congress, in 1803, and was adopted by the requisite number of states the next year. At present there are three other amendments, the Thirteenth, Fourteenth, and Fifteenth, all of which have grown out of the Civil War.

### **The Thirteenth Amendment. —**

“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“Congress shall have power to enforce this article by appropriate legislation.”

This amendment was proposed by Congress in 1865, and ratified by the constitutional number of states the same year.

### **The Fourteenth Amendment. —**

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they

reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

“Representatives shall be apportioned among the several states, according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

“No person shall be a senator or representative in Congress, or elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Consti-

tution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

“The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave ; but all such debts, obligations and claims shall be held illegal and void.

“The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

This amendment was proposed by Congress in 1866, and was declared to be a part of the Constitution in July, 1868.

### **Fifteenth Amendment. —**

“The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

“The Congress shall have power to enforce this article by appropriate legislation.”

The object of this article was to secure suffrage to the colored race, especially to the freed men of

the South. It specifies three points, in respect to which the right of citizens of the United States to vote shall not be denied or abridged, either by the national or state governments: —

1. On account of race.
2. On account of color.
3. On account of previous condition of servitude.

It was at first proposed to add two other points, nativity and religion, but these were stricken out before the proposed amendment was sanctioned by Congress.

This amendment was proposed by Congress in 1869, and was declared to be ratified in 1870.

### **Putting the Constitution into Operation.—**

In July, 1788, a committee was appointed by the Congress to report an act for putting the Constitution into operation. This committee reported an act which was adopted on the 13th of September, as follows: —

*“Resolved, that the first Wednesday in January next be the day of appointing electors in the several states, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective states, and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.”*

The first Wednesday in March, 1789, happened to be the fourth day of the month, and as one presidential term and two Congresses occupies, by the Constitution, exactly four years, it follows that the inauguration of the President is to take place on the fourth day of March every fourth year, beginning with 1789.

Washington was elected President by unanimous vote. John Adams was declared elected Vice-President, and the new government went into operation quietly and with the general sanction of the people of the country. It is not a little remarkable that the first President should have been elected unanimously, and re-elected unanimously. No President since his day has received a unanimous vote of all the electors.



QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned, and to suggest further thought, reading, and study.

1. When were the first ten amendments adopted?
2. Why are they called a "Bill of Rights"?
3. What is the Eleventh Amendment?
4. Give a brief history of the Twelfth Amendment, and state its object.
5. Tell the story of the Thirteenth Amendment.
6. Also the Fourteenth.
7. What was the object of the Fifteenth Amendment?
8. What measures were taken by the Congress for putting the Constitution into operation?

## BLACKBOARD OUTLINE.



### THE GROWTH OF OUR COUNTRY.

The Treaty of Paris.	Annexation of Texas.
Weakness of the Articles of Confederation.	Mexican Provinces.
Purchase of Louisiana.	Discovery of Gold.
Purchase of Florida.	The Oregon Country.
Spanish Boundary.	Alaska.
	Our Present Condition.

## CHAPTER VI.

### THE GROWTH OF OUR COUNTRY.

THE original thirteen English colonies which secured their independence by the revolutionary war, extended from the St. Croix River on the eastern borders of Maine to the southern boundary of Georgia. The settlements in these colonies were invariably near the sea-coast. At the beginning of the revolution, but few settlers were to be found more than a hundred miles from the Atlantic. These colonies in the main extended westward to the Alleghany Mountains, but several of them claimed, under their grants and charters from the British crown, westward to the Mississippi River.

**The Treaty of Paris.** — The treaty of peace between the new Republic and Great Britain was negotiated at Paris. The preliminary treaty was signed in 1782, and the definitive treaty was executed the year following. Our commissioners in the negotiation of this treaty, to whom this country owes great gratitude for their patriotism and sagacity, were John Adams, John Jay, and Benjamin Franklin. In spite of strong opposition

they succeeded in securing for us the entire territory as far north as the Great Lakes, and westward to the Mississippi River, and southward to latitude  $31^{\circ}$ , the northern limit of Florida. This immense territory comprised more than eight hundred thousand square miles, and was from three to four times as large as France, or Spain, or Italy.

**Weakness of Articles of Confederation. —**

But the national government was weak and inefficient. The Articles of Confederation provided only for a Congress of delegates from the different states sitting as one house only, with no executive and no judicial department. This Congress had all power in advising and recommending, but no power to oblige the various States to perform their requisite duties. In 1787, on the recommendation of the Congress, a convention composed of delegates from the several states, assembled in Philadelphia, and framed the United States Constitution. This Constitution was submitted to the several states, and finally adopted by them all. Washington was unanimously elected the first President, and the new government went into effect on the fourth of March, 1789. The country soon began to rally, business improved, agriculture flourished, and manufactures increased. The new Republic was now on

a strong basis with a vigorous government, and it entered upon a career of unexampled growth and prosperity.

**Purchase of Louisiana.** — The extent of territory remained unchanged until the year 1803. Three years before this, Napoleon Bonaparte, then the First Consul of France, had secured from Spain that territory called the Province of Louisiana, which extended from the Gulf of Mexico on the south, northward as far as the Lake of the Woods, and from the Mississippi River westward to the Rocky Mountains. Early in the year 1803, Napoleon, finding himself on the eve of a war with Great Britain, proposed to sell this immense territory to the United States, in order to prevent its capture by Great Britain, and to replenish the treasury of France. In April of the year just mentioned, the treaty was executed by Napoleon and his secretary of the treasury, Barbè Marbois, for the Republic of France, and Robert R. Livingston and James Monroe for the United States of America. By this peaceful treaty, the entire territory, called the Province of Louisiana, was conveyed to the United States, we paying therefor the sum of fifteen million dollars. It was an accession so great that, comprising as it did nine hundred thousand square miles, it more than doubled our former territory. The



result has proved that it was of great importance to our country.

**The Purchase of Florida.** — Having obtained a foothold upon the Gulf of Mexico, our statesmen naturally desired to secure the coast from the Atlantic to New Orleans. Consequently, in 1819, we negotiated a treaty with Spain by which, for the sum of five million dollars, she ceded to us her provinces of East and West Florida. This treaty completed our title to the territory from the Atlantic to the Rocky Mountains, and from the Gulf to the Great Lakes.

**Spanish Boundary.** — The third article of the Florida treaty related to the boundary line between the United States and the Spanish provinces of North America. It established this line as follows: —

Beginning on the Gulf of Mexico at the mouth of the Sabine River, and following up that river to a certain point, thence due north, on the line which is now the boundary line of Texas, to the Red River; thence up the Red River to latitude one hundred; thence due north to the Arkansas River, and up the Arkansas to its source; thence due north to latitude forty-two, and westward upon that parallel to the Pacific Ocean. Spain relinquished all claim to the terri-

tory north and east of this line, and the United States relinquished to her all claim to the territory west and south of the line. This treaty gave us a stronger claim to the Oregon country, while we relinquished to Spain whatever claims we might have had to Texas.

**Annexation of Texas.** — Texas declared herself independent of Mexico in 1836; and in 1845, by joint resolution of Congress, ratified by the government of Texas, she was annexed to the United States.

**Purchase of Mexican Provinces.** — The war with Mexico followed; and at the conclusion of that war, our army being entirely victorious, and having captured the city of Mexico, a treaty was made between us and that country by which Mexico relinquished to us her provinces of New Mexico and Upper California, for which we paid the sum of fifteen million dollars. In 1853, through General Gadsden, we purchased from Mexico an additional strip of territory called the Masilla Valley, south of the Gila River, and now known as the Gadsden Purchase. For this strip we paid Mexico the sum of ten million dollars.

**The Discovery of Gold.** — Almost simultaneously with the news of the treaty with Mexico came the report of the discovery of gold in

California. The "gold fever" spread rapidly throughout the country, and in 1849 and 1850 thousands of persons flocked from all sections to the California coast in search of gold.

The state government was organized, and California was admitted as one of the states of the Union in 1850.

**The Size of these Additions.** — The annexation of Texas, with her original boundaries, gave us about three hundred thousand square miles; and the purchase of the Mexican provinces gave us six hundred thousand square miles more, so that our territory by this means was increased to the extent of another nine hundred thousand square miles.

**The Oregon Country.** — Our title to Oregon is based upon several claims, as follows: —

1. By right of discovery (Captain Gray in 1792).
2. By exploration (Lewis and Clark in 1805-6).
3. By first settlement (Astoria in 1811).
4. By purchase from France in 1803 of whatever claim she might have had to the country.
5. By purchase from Spain, in the Florida treaty, 1819, of all her right to this territory north of latitude forty-two.
6. By treaty with Great Britain in 1846, by which she yielded to us all her claim to the country south of latitude forty-nine.

This country included what to-day is comprised in the states of Oregon, Washington, and Idaho, and embraces about three hundred thousand square miles. Many parts of it are of the greatest fertility, with a mild and equable climate, forming in all respects one of the most delightful countries in the world.

**Alaska.** — In 1867 our government, through Secretary Seward, negotiated a treaty with the Russian government by which we obtained the entire territory of Alaska, comprising, in round numbers, about six hundred thousand square miles. We paid for this territory the sum of seven million two hundred thousand dollars. This is our latest addition.

**Our Present Whole Country.** — Our country now embraces about 3,600,000 square miles. Its eastern limits are the Atlantic Ocean; its western, the Pacific Ocean; its southern boundary is upon the Gulf of Mexico, and its northern is the Arctic Ocean. It extends through about one hundred and thirty degrees of longitude, and about forty-five degrees of latitude. It may be considered as embraced in four nearly equal divisions. The first part, being a little less than a quarter of the whole, includes the original territory east of the Mississippi River; the second



quarter, of about 900,000 square miles, embraces the Province of Louisiana; the third quarter consists of the original Texas, about 300,000 square miles, and the Mexican cessions of about 600,000 more; the fourth quarter includes the Oregon country, about 300,000 square miles, and Alaska, about 600,000 more.

**Our Present Condition.** — The entire extent of our country at the present time is 3,603,884 square miles. This is divided into forty-four states, six territories, and one federal district. The states proper include about 2,800,000 square miles, and the territories 800,000 square miles. The aggregate population is not far from 64,000,000, of which about 63,000,000 are in the states, and nearly 1,000,000 in the territories, including the District of Columbia. The densest population is in the State of Rhode Island, which averages about two hundred and fifty per square mile. If the entire country had a population as dense as Rhode Island, it would contain over 900,000,000, or about three-fifths of the present population of the globe.

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QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was the original extent of the United States territory?
2. Describe the Treaty of Paris.
3. Discuss the weakness of the Articles of Confederation.
4. Write a brief account of the purchase of the Province of Louisiana.
5. When was Florida purchased, of whom, and for what price?
6. Describe the third article of the Treaty of Florida.
7. Give some account of the annexation of Texas. Of the purchase of New Mexico and California.
8. Tell something about the discovery of gold in California, and its effects upon the country.
9. Upon what various grounds did we lay claim to the Oregon country?
10. When was Alaska purchased; by whom, of whom, at what price, and what was its extent?
11. Describe the present extent of our whole country: its aggregate size and its aggregate population.

## BLACKBOARD OUTLINE.



### RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

Formation of a Society.

Form of a Constitution.

Election of Officers.

Officers and their Duties.

Transaction of Business.

## CHAPTER VII.

### RULES OF PROCEDURE FOR DELIBERATIVE ASSEMBLIES.

#### SECTION I.

##### FORMATION OF A SOCIETY.

THIS is a country of majorities. The fundamental principle of our government is that the majority vote shall dominate. Deliberative assemblies are numerous throughout the land, from the Senate of the United States to the boys' debating society in the school. Every pupil in the upper classes of the grammar school should learn how to transact business in an orderly manner in an organized meeting.

The Senate of the United States, the National House of Representatives, the State Senate and House, the town meeting, the agricultural and the historical society, the county convention, the village lyceum, all are governed by "Rules of Order." The rules of the Senate are fixed and well known. The rules of the House are adopted by each Congress.

“Cushing’s Manual,” “Jefferson’s Manual,” and Barclay’s “Digest of the Rules and Practice of the House of Representatives, U. S.,” are well-known treatises on “Rules of Procedure.”

Let us suppose that the pupils of a certain school are about to form a debating society. The proper method would be for a number of persons interested in the matter to sign and post in the school-house a call for a meeting to organize such a society. Notice might, however, be given in some other manner ; for example, at the request of several pupils, the teacher could give notice that all persons interested in effecting such an organization are requested to meet at such a time and place. If a written notice were posted, then the time having arrived, and the company being assembled, some one who had signed the call should call the meeting to order. Then the call may be read. Next a chairman should be chosen, on nomination, and a majority vote. A majority vote means a majority of all votes cast. A plurality means a larger number than any other one candidate has received. Blank ballots are not votes, and should not be counted as such. The chairman, being elected, takes the chair, and calls for the nomination of a secretary. When the secretary is elected, the meeting is duly “organized.”

It would then be proper to call for the appoint-

ment of a committee to draft a "Constitution" and "By-Laws." The meeting might then adjourn to a certain time and place, or to the call of the chairman, or to the call of the committee.

**Report of the Committee.** — At the next meeting the "Committee on Constitution" reports a draft for constitution and by-laws, which, after discussion and amendments, may be adopted.

**Form of a Constitution.** — The following will indicate the ordinary form of a constitution. Of course every constitution will have some distinguishing features differing from every other one.

## CONSTITUTION OF THE CHICKATAWBUT DEBATING CLUB.

### ARTICLE I.

#### NAME.

THE name of this organization shall be the Chickatawbut Debating Club.

### ARTICLE II.

#### OBJECT.

The object of the club shall be to improve its members in the art of public speaking and conducting affairs in a deliberative assembly.



## ARTICLE III.

## MEMBERS.

SECTION 1. Membership in this club is confined exclusively to the members of the senior class in the —— Grammar School, in the town (or city) of ——.<sup>1</sup>

SECTION 2. Any member of said class in said school desiring to become a member of this club, should make application to the Executive Committee, and, being recommended by said committee, and receiving a two-thirds vote of the members of the club present at any regular meeting shall be constituted a member by signing the constitution.

## ARTICLE IV.

## OFFICERS.

SECTION 1. The officers of the club shall consist of a President, a Vice-President, a Secretary, a Treasurer, and an Executive Committee, composed of the above-named officers and three other members.

SECTION 2. All officers shall be elected by ballot at the first meeting of each school year.

SECTION 3. The Executive Committee shall have the general management of the affairs of the club.

SECTION 4. It shall be the duty of the President, Vice-President, Secretary, and Treasurer faithfully to discharge the duties usually required of such officers in an association of this character. The President shall be chairman of the Executive Committee.

<sup>1</sup> This draft of a constitution is designed to fit a large graded grammar school. For a high school, or an ungraded school, the necessary changes from this form will readily suggest themselves to suit the particular school.

The Secretary shall give notice of the regular meetings, and of any special meetings called by the President, by posting upon the bulletin board in the school-house a written notice at least twenty-four hours prior to the time for said meeting.

## ARTICLE V.

### FINANCE.

SECTION 1. The annual membership fee shall be —, which shall be payable at the first meeting in each school year.

SECTION 2. Any member who shall not have paid his dues on or before the first regular meeting in December shall be notified by the treasurer that unless such dues are paid by the date of the first meeting in January his name shall be dropped from the membership of the club.

SECTION 3. No bills shall be paid by the treasurer till they are audited by the president.<sup>1</sup>

## ARTICLE VI.

### MEETINGS.

SECTION 1. The regular meetings of this club shall be on the second and fourth Friday evenings of each month, during term time.

SECTION 2. Special meetings may be called by the president, and he shall call a special meeting at the request in writing of three members of the club.

<sup>1</sup> In societies where the treasurer handles large sums of money, it is common to have an auditor, as a special officer of the society.

## ARTICLE VII.

## AMENDMENTS.

This constitution may be altered or amended by a two-thirds vote of the members present at any regular meeting of the club, notice of such alteration or amendment having been given in writing at a previous regular meeting.

The above will serve as a model by which the pupils in any school may frame a constitution to suit their own wants.

When the constitution has been reported by the committee, it should be read throughout, and then discussed article by article. When each article has been duly considered, and such amendments as might be proposed have been adopted or rejected, the article should be adopted, and then the next, and so on, until the entire constitution has been adopted by articles. It should then be adopted as a whole.

**Election of Officers.** — After the adoption of the constitution, the first business in order will be the election of officers. As each officer is elected, he replaces the temporary one, and when they are all elected the organization is completed.

In most cases the constitution provides some form for the admission of members. It is quite common for associations to require that each member shall sign his name to the constitution.

## SECTION II.

### OFFICERS AND THEIR DUTIES.

**Chairman or President.** — It is the duty of the Chairman to call the meeting to order at the appointed time, to preside at all the meetings, to announce the business before the assembly in its proper order, to state and put all questions properly brought before the assembly, to preserve order and decorum, and to decide all questions of order (subject to an appeal). When he “puts a question” to vote, and when speaking upon an appeal, he should stand; in all other cases he can sit. In all cases where his vote would affect the result, or where the vote is by ballot, he can vote. When a member rises to speak, he should say, “Mr. Chairman,” and the Chairman should reply, “Mr. A.” He should not interrupt a speaker so long as he is in order, but should listen to his speech, which should be addressed to him and not to the assembly. The Chairman should be careful to abstain from the appearance of partisanship, but he has the right to call another member to the chair while he addresses the assembly on a question; but when speaking to a question of order he does not leave the chair.

The **Clerk, Secretary, or Recording Secretary**, as he is variously called, should keep a record of

the proceedings of the convention, society, or association, whose officer he is. It is not his duty to record discussions, but only the resolutions, motions, orders, or whatever the action of the society may be called. He should record every vote, stating whether the motion or resolution which had been offered was adopted or rejected.

It is sometimes customary in the records to say that the question was discussed by Messrs. A., B., and C. in the affirmative, and D., E., and F. in the negative.

It is necessary for an inexperienced secretary to keep constantly in mind in making his records the fact that he is to record not what was said but what was done. Above all, he should never make in his minutes any criticism, favorable or unfavorable, upon anything that was said or done in the meeting.

**The Form of the Minutes** can be as follows:—

“The regular meeting of the Chickatawbut Club was held in the school-room, on Friday evening, May 9, 1890. The president was in the chair, and in the absence of the secretary, Mr. A. was chosen secretary *pro tem*. The minutes of the previous meeting were read and approved. The following persons were admitted by vote as members of the club, Messrs. A. B., C. D., E. F., and Misses G. H., I. J., and K. L.”



The question for the evening was the following:—

“*Resolved*, That the explorations of Henry M. Stanley will prove of greater value to the world than the Arctic voyages of Dr. Kane.

“The disputants upon the affirmative were Messrs. M. N., O. P., and R. S., and in the negative Mr. T. U., and Misses V. W., and X. Y.

“The question was decided by a large majority in the affirmative.

“At five minutes before nine o'clock the club adjourned.

“S—— E—— C——, *Secretary*.”

The constitution, and, if there are any, the by-laws, rules of order, and standing rules should be written in a book with blank pages, writing only on the right-hand page. The left-hand page should be left blank, on which amendments to the articles opposite may be entered, if there should be any. Each amendment should have recorded with it a reference to the date and page of the minutes where the action of the society adopting such amendment is recorded. It is customary to insert the constitution, etc., in the first part of the society's book, after which would be recorded the names of the members. Following these names the page can be used for the record of the minutes of the society.

**Treasurer.** — It is the duty of this officer to collect and hold the funds belonging to the society, and to pay out money on the order of the proper officer.

The treasurer should make a report annually to the society, which report should contain a statement of the amount of money on hand at the beginning of the year and amount received during the year, including the sources through which the money has come ; and a statement in brief of the amount of money paid out by order of the society and the balance on hand at the end of the year. This report is usually referred to an auditing committee, consisting of one or more persons, whose duty it is to examine the treasurer's books and vouchers, and make a certificate as to the correctness of his report. The form of auditor's report is usually something like the following:—

“I hereby certify that I have examined the accounts and vouchers of the above report of T—— R——, the treasurer of the Chickatawbut Club, and find them correct, and that the balance on hand is,” etc., stating the amount on hand.

It is usual after the auditor's report has been read to accept the treasurer's report.

**Committees.** — In small societies there is less need of committees, but in permanent organizations, like the National or State Senate or House,

Common Council in a city, or school committee, nearly all matters of business should be referred to appropriate committees. These sub-committees examine the matters referred to them and report to the entire body. When a committee thus reports, it is usual for the body to accept its report, and unless special objections appear, to adopt its recommendations.

The first-named member of a committee is usually its chairman. It is his duty to call the committee together and to preside at their meetings. If he is absent it is customary for the next member in order to preside. A majority of a committee should constitute a quorum. The committee should not act unless a quorum be present. The committee may make a majority and minority report if the members do not agree. When a majority and a minority report have been presented to a body, it is competent for any member to move the acceptance of the majority report. It is proper for some other member to move to substitute the minority for the majority report. The minority report cannot be acted upon except by such motion to substitute it for the majority. When the committee's report has been read and accepted, the committee is discharged, without further motion, unless their report be a report of progress.

## SECTION III.

## TRANSACTION OF BUSINESS.

Every order, resolution, or motion to be submitted to a deliberative assembly should be in writing, and having been read should be handed to the president.

The following will illustrate the form of a resolution : —

*“ Resolved. — That the thanks of the Chickatawbut Club are hereby tendered to the principal of our school, Mr. A. B., for his timely, interesting, and useful address, to which we have just listened.”*

The person desirous of offering this resolution should rise from his seat and address the chairman by his title, thus “ Mr. President,” or “ Mr. Chairman,” who immediately recognizes him and announces his name. He, then, having the floor, says “ I move the adoption of the following resolution,” which he reads and hands to the chairman. Some one else seconds the motion, and the chairman says, “ It has been moved and seconded that the following resolution be adopted.” He then reads the resolution, and, says, “ Are there any remarks upon the resolution ? ” Here will follow a discussion of the resolution pro and con, if the members should be so disposed. If no one rises



to speak when the question is thrown open for discussion, or it having been discussed and the president thinks the debate is closed, he says, "Are you ready for the question?" If no one rises to speak, he puts the question in a form similar to the following: "The question is upon the adoption of the resolution which you have heard read. Those of you who are in favor of adopting this resolution will manifest it by saying 'Aye'; those contrary minded, 'No.' It is a vote, and the resolution is adopted." If the majority vote in the negative, the chairman will state that the resolution is lost. If he is in doubt, he will say, "The chair is in doubt, those in favor of the adoption of the resolution will rise and stand until counted." The president or the secretary makes the count. Those opposed will rise." The chairman announces the result.

A debating society like the one proposed above will prove of great service to young persons at school. They will not only improve themselves in the ability to speak before others, and present their thoughts in a clear and forcible manner, but they will rapidly improve their power to think upon any question which may be presented to their minds for consideration. Not the least advantage will be found to consist in their becoming familiar with proper methods of transact-



ing business in a deliberative assembly. Every such young person should familiarize himself with all points connected with rules of order, and such persons are specially advised to make themselves familiar with some one or more of the books heretofore recommended on this subject.

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#### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. Why is this a country of "Majorities"?
2. Describe the method of forming a society.
3. What are the essential officers?
4. Method of electing officers.
5. Duties of President.
6. Duties of Secretary.
7. Duties of Treasurer.
8. Why have an Auditor?
9. Write a form for auditing the Treasurer's annual report.
10. Write a form of "Minutes" of a meeting.
11. Write a "Resolution," extending the thanks of the society for a lecture.

## APPENDIX.



### THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

#### ARTICLE. I.

SECTION. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2. <sup>[1]</sup>The House of Representatives shall be composed of Members chosen every second year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

<sup>[2]</sup>No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years

[NOTE. — The small figures in brackets are not in the original, but have been added subsequently, to mark the different clauses in a section. In reprinting the constitution here, the spelling, punctuation, and capitalization of the original have been preserved.]

a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[<sup>3</sup>] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative ; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[<sup>4</sup>] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[<sup>5</sup>] The House of Representatives shall chuse their Speaker and other officers ; and shall have the sole Power of Impeachment.

SECTION. 3. [<sup>1</sup>] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years ; and each Senator shall have one Vote.

[<sup>2</sup>] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class

shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third class at the Expiration of the sixth Year, so that one-third may be chosen every second Year ; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[<sup>3</sup>] No person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[<sup>4</sup>] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[<sup>5</sup>] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[<sup>6</sup>] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside : And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[<sup>7</sup>] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States : but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4. [<sup>1</sup>] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof ; but the Congress may



at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[<sup>2</sup>] The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION. 5. [<sup>1</sup>] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business ; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[<sup>2</sup>] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[<sup>3</sup>] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy ; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[<sup>4</sup>] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6. [<sup>1</sup>] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same ; and for any speech or debate in either House, they shall not be questioned in any other Place.



[<sup>2</sup>] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time ; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7. [<sup>1</sup>] All Bills for raising Revenue shall originate in the House of Representatives ; but the Senate may propose or concur with Amendments as on other Bills.

[<sup>2</sup>] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States ; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[<sup>3</sup>] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States ; and before the Same shall take Effect, shall be approved by him, or being

disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8. The Congress shall have Power

[<sup>1</sup>] To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States ; but all Duties, Imposts and Excises shall be uniform throughout the United States ;

[<sup>2</sup>] To borrow Money on the credit of the United States ;

[<sup>3</sup>] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes ;

[<sup>4</sup>] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States ;

[<sup>5</sup>] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures ;

[<sup>6</sup>] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States ;

[<sup>7</sup>] To establish Post Offices and post Roads ;

[<sup>8</sup>] To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries ;

[<sup>9</sup>] To constitute Tribunals inferior to the supreme Court ;

[<sup>10</sup>] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations ;

[<sup>11</sup>] To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water ;

[<sup>12</sup>] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years ;

[<sup>13</sup>] To provide and maintain a Navy ;

[<sup>14</sup>] To make Rules for the Government and Regulation of the land and naval Forces ;

[<sup>15</sup>] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions ;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress ;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings ; — And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9. [1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5] No Tax or Duty shall be laid on Articles exported from any State.

[6] No Preference shall be given by any Regulation of Com-

merce or Revenue to the Ports of one State over those of another : nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[<sup>7</sup>] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law ; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[<sup>8</sup>] No Title of Nobility shall be granted by the United States : And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10. [<sup>1</sup>] No State shall enter into any Treaty, Alliance, or Confederation ; grant Letters of Marque and Reprisal ; coin Money ; emit Bills of Credit ; make any Thing but gold and silver Coin a Tender in Payment of Debts ; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[<sup>2</sup>] No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws : and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States ; and all such Laws shall be subject to the Revision and Controul of the Congress.

[<sup>3</sup>] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

## ARTICLE. II.

SECTION. I. [<sup>1</sup>] The executive Power shall be vested in a President of the United States of America. He shall hold his



Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[<sup>2</sup>] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress : but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

\* [<sup>3</sup>] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each ; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed ; and if there be more than one who have such Majority and have an equal number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President ; and if no Person have a Majority, then from the five highest on the List the said House shall in like manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote ; a Quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a choice. In every Case, after the Choice of the President, the Person having the greatest Number

\* This clause has been superseded by the 12th amendment, on page 80.



of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[<sup>4</sup>]The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes ; which Day shall be the same throughout the United States.

[<sup>5</sup>]No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President ; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[<sup>6</sup>]In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[<sup>7</sup>]The President shall, at stated Times, receive for his services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[<sup>8</sup>]Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation : —

“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2. [<sup>1</sup>]The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the

United States ; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[<sup>2</sup>] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur ; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law : but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[<sup>3</sup>] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient ; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the time of Adjournment, he may adjourn them to such Time as he shall think proper ; he shall receive Ambassadors and other public Ministers ; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

SECTION. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## ARTICLE. III.

SECTION. 1. The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

SECTION. 2. <sup>[1]</sup>The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ;— to all Cases affecting Ambassadors, other public Ministers and Consuls ;— to all Cases of admiralty and maritime Jurisdiction ;— to Controversies to which the United States shall be a Party ;— to Controversies between two or more States ;— between a State and Citizens of another State ;— between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

<sup>[2]</sup>In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

<sup>[3]</sup>The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury ; and such Trial shall be held in the State where the said Crimes shall have been committed ; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3. <sup>[1]</sup>Treason against the United States, shall con-

sist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[<sup>2</sup>] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

#### ARTICLE. IV.

SECTION. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

SECTION. 2. [<sup>1</sup>] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[<sup>2</sup>] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[<sup>3</sup>] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION. 3. [<sup>1</sup>] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[<sup>2</sup>] The Congress shall have Power to dispose of and make all



needful Rules and Regulations respecting the Territory or other Property belonging to the United States ; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

#### ARTICLE. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress ; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article ; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### ARTICLE. VI.

<sup>[1]</sup> All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

<sup>[2]</sup> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof ; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land ; and the Judges in every



State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution ; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

G<sup>o</sup> WASHINGTON —

*Presidt and deputy from Virginia*

NEW HAMPSHIRE.

JOHN LANGDON

NICHOLAS GILMAN

MASSACHUSETTS.

NATHANIEL GORHAM

RUFUS KING

CONNECTICUT.

WM SAML JOHNSON

ROGER SHERMAN

NEW YORK.

ALEXANDER HAMILTON

NEW JERSEY.

WIL LIVINGSTON

DAVID BREARLEY

WM PATERSON

JONA DAYTON

PENNSYLVANIA.

B FRANKLIN  
ROBT MORRIS  
THO FITZSIMONS  
JAMES WILSON

THOMAS MIFFLIN  
GEO CLYMER  
JARED INGERSOLL  
GOUV MORRIS

DELAWARE.

GEO READ  
JOHN DICKINSON  
JACO BROOM

GUNNING BEDFORD, Jun'r  
RICHARD BASSETT

MARYLAND.

JAMES M'HENRY  
DANL CARROLL

DAN OF ST THOS JENIFER

VIRGINIA.

JOHN BLAIR

JAMES MADISON, Jr

NORTH CAROLINA.

WM BLOUNT  
HU WILLIAMSON

RICH'D DOBBS SPAIGHT

SOUTH CAROLINA.

J RUTLEDGE  
CHARLES PINCKNEY

CHARLES COTESWORTH PINCKNEY  
PIERCE BUTLER

GEORGIA.

WILLIAM FEW

ABR BALDWIN

Attest :

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE  
CONSTITUTION OF THE UNITED STATES OF AMERICA,

*Proposed by Congress, and ratified by the Legislatures of the  
several States, pursuant to the fifth article of the original  
Constitution.*

(ARTICLE I.)

Congress shall make no law respecting an establishment of  
religion, or prohibiting the free exercise thereof; or abridging

the freedom of speech, or of the press ; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which

district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at

least, shall not be an inhabitant of the same state with themselves ; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate ; — The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to



the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECT. 2. Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SECT. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State.

SECT. 3. No person shall be a senator or representative in

Congress, or elector of president or vice-president, or hold any office, civil or military, under the United States or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house remove such disability.

SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave ; but all such debts, obligations, and claims shall be held illegal and void.

SECT. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

(ARTICLE XV.)

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECT. 2. The Congress shall have power to enforce this article by appropriate legislation.

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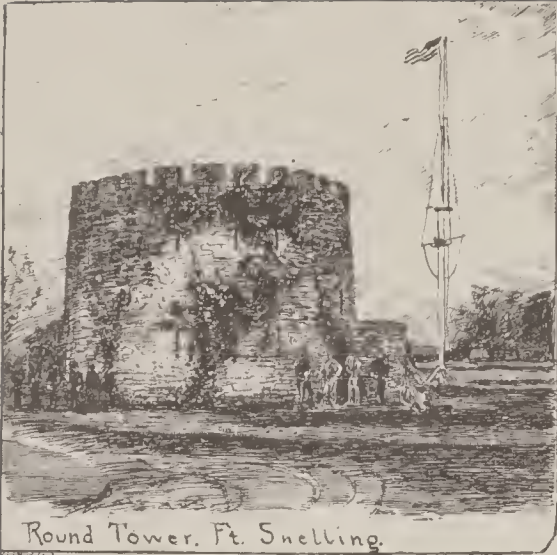
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Round Tower, Ft. Snelling.



Second Capitol.



Minnehaha Falls.



Present Capitol of Minnesota.



Central House, First Capitol.



Chapel of St. Paul.

# LANDMARKS OF MINNESOTA



ELEMENTS OF CIVIL GOVERNMENT  
OF THE  
STATE OF MINNESOTA

WITH A  
BRIEF OUTLINE OF THE POLITICAL  
HISTORY OF THE STATE

DESIGNED FOR USE AS A TEXT-BOOK IN PUBLIC AND PRIVATE  
SCHOOLS, AND FOR SUPPLEMENTARY READING

BY  
T. H. KIRK, M.L.  
ASSISTANT STATE SUPERINTENDENT OF PUBLIC INSTRUCTION



SILVER, BURDETT & CO., PUBLISHERS

NEW YORK      BOSTON      CHICAGO

1892



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TYPOGRAPHY BY J. S. CUSHING & CO., BOSTON.

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PRESSWORK BY BERWICK & SMITH, BOSTON.

## PREFACE.

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AMERICANS revere the fathers of the Republic, and are never weary in telling of their great deeds. They speak, too, with enthusiasm of the thirteen original colonies and the states that grew out of them. All this is very proper; but we must not forget that heroic deeds, noble men, and typical forms of government belong quite as much to the present as to the past. Indeed, the people of the future will look back to our day with admiration, as we now look back to an older past. It is surely a good thing, from whatever standpoint viewed, to study the forms of government which now exist, and which one finds round about him. Besides, nobody can be an intelligent citizen who does not do this. Above all, one should be familiar with the forms of government in his own state and community. It is for these reasons, in fact, that this brief outline of the state and local governments of Minnesota has been prepared.

The plan of the book is historical. It takes us back to a time when no government existed save that of savage tribes, and leads us through a series of rapid changes to the civilization of the present. The government of Minnesota Territory has been introduced because it was an important step in this development, besides being of interest in itself.

It has been the custom to confine the study of civil government almost entirely to the chief legislative, judicial, and executive functions. This, it seems to me, is a mistake; and in Chapters V. to VIII. inclusive place has been given to many things which every citizen ought to understand.

Aside from a few sets of suggestive questions and black-board outlines, the method of teaching has been left to the good sense and experience of the teacher.

So far as I know, this is the only special treatise on the civil government of Minnesota yet published, and I hope it may find its way into every school-house and home in the State.

T. H. KIRK.

ST. PAUL, June 1, 1892.

# THE HISTORY AND CIVIL GOVERNMENT OF THE STATE OF MINNESOTA.



## CHAPTER I.

### HISTORICAL SKETCH.

**The Unknown Land.** — In 1643, Louis XIV., the great king of France, was but a child of five, and not old enough to understand about those wonders of the western world which at a later day attracted him. But, child as he was, his subjects knew little more about it than he. Nobody had thought that a great republic would one day exist there whose splendid achievements for human liberty and progress would win the admiration of mankind. That part of the New World now called Minnesota was an unknown land, and, like all the other unknown lands which the over-credulous people of that day imagined, it was a land of romance and fable, full of great rivers, powerful nations, and untold wealth. Indeed, just beyond it, they said, was the sea separating China from America.

**Early Explorers.** — In 1634, Jean Nicolet, a bright, venturesome interpreter of a Canadian fur company,

visited the Indian tribes in what is now Wisconsin. It seems that he learned from them something about the Dakotas, or Sioux, who inhabited the region beyond the upper Mississippi. On his return to Canada, Nicolet told what he had heard about them. Later, in 1641, two French ensigns visited the Sault Ste. Marie and heard of this same nation, who were said to dwell eighteen days' journey to the westward, at the head of a great river. Fifteen years after this, a half religious, half adventurous expedition from Quebec set out to find the Dakotas; but it was foiled by the hostile Iroquois, who massacred many of its members. The expedition of Groselliers and Radisson, two celebrated explorers, was more fortunate. In 1660, they coasted along the southern shore of Lake Superior and built a rude fort at the southern extremity of Chaqwanigon Bay. The following spring, a detachment of the garrison ran across a party of wandering Dakotas and returned with them to their lodges on the western prairies. So far as known, these were the first white men to enter what is now called Minnesota. Before the end of the century, many noted explorers, among whom were Perrot, Du Luth, Le Sueur, and Father Hennepin, had traced the windings of its picturesque river valleys and penetrated both its prairie and forest regions. Forts were built on the lower Blue Earth River, on an island of the Mississippi, near the mouth of the St. Croix, and on the west shore of Lake Pepin.

**The Voyageurs.** — Following closely in the footsteps of the explorers came the voyageurs, or rangers of the woods, as they were sometimes called. They were fur traders; and it was not long before the splash of their



paddles was heard on every stream, and their songs in every thicket, as they wandered from one Indian village to another in search of pelts. They might be called the forerunners of civilization, but they were not truly a part of it. Upon entering the woods they threw off civil restraints, and counted themselves law-abiding in simply keeping their agreements with the fur companies and owning allegiance to the king of France.

**The French Supremacy.** — For the first sixty-three years of the eighteenth century the French remained masters of the country they had explored. It was with them a time of varying fortunes, — of successes and failures in extending the fur trade, of hopeless searches for a northwest passage by way of a “mighty” river supposed to enter the western sea, of warfare with hostile tribes, and of movements to resist the encroachments of the English, who too were seeking for commercial profit and a greater empire.

**The English Supremacy.** — After the nine years’ struggle of the French and Indian War, by the treaty of 1763 the English became the nominal masters of that part of the Northwest lying east of the Mississippi. But the French, nevertheless, continued to be its actual masters. The Indians had always looked upon the French with favor, and through the friendships and intermarriages of a century had also come to think of them as their own kindred. The sharp-witted Frenchmen had no difficulty therefore in leading the Indians to distrust the good intentions of the English, who came with offers of trade and friendship. The result was, the English did not find it worth while to build military and trading posts west of Mackinaw; and the only explorer of note who

represented them was the self-appointed Jonathan Carver, who, in the fall of 1766, visited the region about St. Anthony Falls and made a partial ascent of the Minnesota or St. Peter's River.

**The Dawn of a New Nation.** — It was not long after the events narrated that a new nation entered the field of military and social conquest. Twenty years after the English had acquired possession of the Northwest, they yielded it to their revolted colonies now styled the United States of America. But just as the French had withstood the English occupation of the country, the English themselves annoyed their former American subjects, who with native energy were now endeavoring to open it for trade and settlement.

**Military Expeditions.** — To check the boldness of the British fur traders, and to restrain the tribes made hostile by their false statements about the purposes of the Americans, it became necessary to overawe both by a show of military strength. As a first step in this direction, General Zebulon M. Pike was sent out in the year 1805 with a small detachment of soldiers. His explorations extended as far north as Leech Lake.

In 1817, Major Stephen H. Long made a cursory survey to find a suitable site for a fort. Two years later Colonel Leavenworth established Cold Water Cantonment at Mendota; and in 1820 Fort Snelling was built at the junction of the Minnesota and Mississippi rivers.

**The Later Fur Traders.** — The United States having thus asserted its authority, the Northwest and Hudson Bay Fur Companies, so long masters of trade under British protection, now confined their operations for the most part to the British Possessions, and the American

and Columbia Companies took active possession of the deserted field. By this time the Indians had become less self-reliant. The fruits of the chase no longer satisfied them, and they depended more and more upon the whites for the necessities of life. It will be easy to understand then how the system of barter which sprang up between them and the fur companies paved the way for the entrance of civilization into their ancient domain, and at the same time made them familiar with its ordinary modes of domestic life. It is quite certain that in their first contact with it they saw more of its selfish than of its unselfish side. Their suspicions and hatred were often aroused, and these led to feuds which were not settled until after years of controversy and bloodshed.

**Commercial and Scientific Expeditions.**—To establish firmer relations with the tribes, to treat with them for cessions of their lands, and to determine to some extent the value of the region as a place of settlement, expeditions both of a commercial and scientific character were sent out by the national government. The first of the three most important ones was led by Lewis Cass, governor of Michigan. In 1820, it entered the country by way of the St. Louis River and explored toward the head waters of the Mississippi. The second, in 1823, was commanded by Major Stephen H. Long. It explored the valleys of the Minnesota and Red rivers and the chain of rivers and lakes on the northern boundary. The third, led by Henry R. Schoolcraft in 1832, followed the route of Cass, but penetrated the country as far as Lake Itasca. Thence it journeyed southward to Fort Snelling, and, finally, ascended the St. Croix.

**The Missionaries.** — It was now two centuries after the time of Jean Nicolet, who, as above stated, had been the first to mention the Dakotas. But it would be an error to think that in all that period nobody had given heed to the welfare of the Indians. From the time of the earliest explorers, whose expeditions they accompanied, devoted Catholic priests with little regard for profits of trade and political power, both of which absorbed their companions, were earnest in their efforts to benefit the tribes socially and religiously. With the same interest and earnestness, the first Protestant missionary, W. T. Boutwell, came with the Schoolcraft expedition and remained to teach among the Ojibwas of Leech Lake. A year later, that is in 1833, two brothers, Samuel W. and Gideon H. Pond, established the Mission of Lake Calhoun. In 1836, Dr. Thomas S. Williamson and party established the Mission of Lac qui Parle, and the following year they were joined by Stephen R. Riggs and wife. There were other faithful missionaries in neighboring fields, but the names of these, after years of toil and danger, became pre-eminently historic.

**First Settlements.** — Previous to 1826, if we except the traders of St. Peter's, or Mendota, there were no permanent inhabitants in what is now Minnesota. In the summer of that year the first real settlement was made near Fort Snelling by a few Swiss farmers who had fled from the hardships of the Selkirk colony. Gradually others followed them. In 1840, the good Father Lucian Galtier built the chapel of St. Paul where the flourishing city of that name is now situated; but three years later there were probably not more than twenty families belonging to the little village that sur-



rounded the chapel. At St. Anthony Falls a small grist and lumber mill and a few cabins were the nucleus of the progressive city of Minneapolis, now the metropolis. Indeed, in the great region surrounding these miniature cities there were at the outside not more than a few hundred inhabitants.

**Territorial Jurisdiction.** — If the Minnesota region lacked civilized inhabitants, it had no lack of rulers. After the Revolution and before the first half of the nineteenth century had passed, that part of Minnesota lying east of the Mississippi was controlled successively by the Northwest Territory, Indiana Territory, Illinois Territory, Michigan Territory, and Wisconsin Territory; and the part west by Louisiana Province, Louisiana District, Louisiana Territory, Missouri Territory, Michigan Territory, Wisconsin Territory, and Iowa Territory. Of course the jurisdiction of these various territories was not very rigid. It could not be in a country so vast and wild, whose only roads were Indian trails, or at best water courses traversed in winter by dog trains and in summer by canoes. Only now and then a United States marshal appeared to vindicate the majesty of the law; and no doubt many a crime was committed which the desolate plains and the deep, silent forests never revealed.



## CHAPTER II.

## BEGINNINGS OF SELF-GOVERNMENT.

**Wisconsin Territory.** — In 1848, Wisconsin as now bounded was admitted to the Union. Its admission apparently left a large portion of its former territory without a government; namely, that part of it situated west of the St. Croix and Mississippi rivers. This was denied by Governor Catlin and others, who claimed that the government of Wisconsin Territory was still intact and that its domain was the country excluded from the newly admitted state. But it was evident that the people were not satisfied with this view of things; and they were active in their endeavors to secure a new territorial organization. At this time the total population was less than five thousand. While this seems a small number nowadays, it did not in the least win the people from their purpose nor discourage their ambitions. It was this energy doubtless that brought their efforts to a speedy and successful conclusion and laid the foundation of a lasting prosperity for the new commonwealth.

**The Organic Act.** — A temporary government, styled the Territory of Minnesota, was established by act of Congress, March 3, 1849. Within its limits were included the present State of Minnesota and by far the larger part of the two Dakotas. It was such a great

stretch of country that the United States very properly reserved the right to divide it at any time for the purpose of forming new territories or attaching portions of it to others already formed. This Organic Act, being typical of the organic acts of other territories, and being the foundation too of the more permanent government of the State, deserves here a brief but careful review.

**The Executive.** — The executive power was vested in a governor whose term of office was four years. But he was subject to removal at any time by the President of the United States. He was required to reside within the Territory, to act as commander-in-chief of the militia, to perform the duties of superintendent of Indian affairs, and to commission all officers appointed under the laws of the Territory. He had power to pardon offenses against the laws of the Territory, and to grant reprieves for offenses against those of the United States subject to the final decision of the President.

**The Secretary.** — The next in power to the governor was the secretary. His tenure of office was like the governor's as to length of time and removal. He was required to record all executive acts and proceedings of the governor, and to record and preserve all laws and proceedings of the Legislative Assembly. Moreover, he was required to send copies of the executive proceedings and legislative enactments to the President of the United States, the president of the Senate, and the speaker of the House of Representatives. Finally, in case of the absence, death, removal, or resignation of the governor, he was to become temporarily the chief executive officer of the Territory.

**The Legislative Assembly.** — The legislative power was vested in the governor and a legislative assembly. This legislative assembly consisted of two bodies designated the Council and House of Representatives. At first, the Council had nine members, whose term of office was two years, and the House of Representatives eighteen members, whose term was one year.

All members were required to have the qualifications prescribed for voters. No person, save a postmaster, holding a commission or office under the United States could be a member of the Legislature, or hold any other office under the Territory. Neither could a member hold during his term or the year succeeding it an office created during said term or whose salary had been increased within the same.

Both houses could be increased in proportion to the growth of population, save that the number of councillors could not exceed fifteen and the number of representatives thirty-nine. The Territory was divided into election districts corresponding to the two classes of legislators, and it was required that each legislator should be a resident of the district he was elected to represent. No session of the legislative assembly could extend beyond sixty days.

The legislative power extended to all subjects consistent with the Constitution of the United States, but it was specified that no law should be passed to interfere with the primary disposal of the soil, to tax the property of non-residents more than that of residents, and to tax the property of the United States. Besides, all laws were subject to the veto of Congress.

All bills passed by the Legislative Assembly had to

be submitted to the governor for his approval or veto, but they could be passed over his veto by a two-thirds majority of both houses. In such a case, members were required to vote by yeas and nays, and their votes were entered upon the journals of the Assembly.

If the governor did not return a bill within three days, Sundays excepted, it became a law without his signature, provided the adjournment of the Assembly did not prevent its return within the time specified.

**The Courts.** — The judicial power of the Territory was vested in four kinds of courts; namely, justice courts, probate courts, district courts, and a supreme court. Both the appellate and original jurisdiction of these courts was to be defined by statute law, save in certain cases hereafter mentioned, and save that the jurisdiction of the supreme and district courts should be allowed to extend to cases both in common law and chancery.

**Supreme Court.** — The supreme court had a chief and two associate justices, any two of whom constituted a quorum. Their tenure of office was four years; and they were allowed to appoint a clerk for the court and dismiss him at pleasure. This court was required to hold a term annually at the seat of government. Its jurisdiction extended to writs of error, bills of exception, and appeals, from the district courts, but it was not allowed to conduct trials by jury. Writs of error and appeals from its decisions could be made to the supreme court of the United States when the value of the controversy was not less than a thousand dollars. It was required that the regulations of the circuit courts of the United States should be followed in all such appeals.



**District Courts.** — The Territory was divided into three judicial districts. In each of these a district court, over which one of the justices of the supreme court presided, was held at times and places prescribed by law; and the justice so presiding was required to live within the district. Each district court appointed a person to act as clerk and as register in chancery, and he was required to keep office at the place where the court was regularly held. The jurisdiction of the district courts extended to cases under the laws of the Territory, and in all cases under the laws and Constitution of the United States its jurisdiction was the same as that of the circuit and district courts of the United States. The first six days of every session of a district court, or such part of them as was needed for the purpose, was required to be devoted to such cases under the United States Constitution and laws.

**Minor Courts.** — Justice courts were for the trial of petty cases; but no justice court could hear cases respecting the title and boundary of land, nor any involving a money value exceeding a hundred dollars.

Probate courts served the same purposes as now under the state.

**Attorney and Marshal.** — The chief officers of the courts were an attorney and a marshal. The term of each was four years. It was the duty of the attorney to advise the executive officers and to act as counsel in all cases in which the Territory was a party; and the marshal was required to serve all processes of the district courts when acting as district and circuit courts of the United States.



**Appointment of Territorial Officers.** — The governor, chief justice, associate justices, attorney, and marshal were appointed by the President and confirmed by the Senate of the United States ; and all had to make oath or affirmation that they would faithfully discharge their duties and uphold the Constitution of the United States.

All local officers, township, county, and district, were to be appointed or elected in whatever manner the governor and Legislative Assembly should provide.

**Delegate to Congress.** — Provision was made for the election of a delegate to the House of Representatives of the United States ; and he was to have the powers and privileges accorded to delegates from other territories. His term of office was two years.

**Right of Suffrage.** — Every male inhabitant of Minnesota Territory, having come to reside in it before the passage of the Organic Act, was allowed to vote at the first election and was eligible to any office within the Territory provided he was free, white, and twenty-one or more years of age. Thereafter qualifications of voters and eligibility to office were to be determined by the Legislative Assembly, save that none but citizens of the United States or those who had taken oath to become such were then qualified or eligible.

**Education.** — One of the most important sections of the Organic Act made provision for the support of education. It required that sections sixteen and thirty-six of each township, when surveyed, should be set aside for the benefit of the public schools, no matter to what territory or state the township might finally belong.

**Transition.** — Such was the machinery of government provided for the Territory of Minnesota, but something else was required to set it in motion ; namely, a plan of transition from the government of Wisconsin Territory to that of the new, which would work neither a temporary nor a lasting injury to any citizen. The plan adopted was this :—

1. All individual and social rights and privileges not inconsistent with the Organic Act were to continue, subject to change at a proper time.

2. All pending judicial proceedings, of whatever nature, civil or criminal, were to be transferred to the new district courts.

3. No statutes existing for the new territory, all infractions under the laws of the old were subject to trial and punishment in the courts of the new.

4. All bonds and obligations of every character remained valid.

5. All judicial and ministerial officers, such as justices of the peace, constables, and sheriffs, were to continue in power until provision could be made for the appointment or election of their successors.

6. The governor was granted power to establish the judicial districts, to assign the judges thereto, and to determine the times and places of holding courts within the same, all until the Legislative Assembly, to whom the power permanently belonged, could act or should see fit to act.

7. The first meeting of the Legislative Assembly was to be at St. Paul, at which time it was to fix upon a temporary seat of government pending the establishment of a permanent seat by popular election.

8. Finally, financial provision was made for the building of a capitol and the purchase of a library for the use of the judicial and executive officers of the Territory.

## CHAPTER III.

## ORGANIZING THE STATE.

**Progress.** — Less than eight years after the establishment of Minnesota Territory it was seeking admission to the Union. By this time the population had multiplied thirty-fold. Many farms had been opened up in the Big Woods and upon the adjacent prairies. Title to large tracts of Indian lands had been secured, and other settlers were entering to possess them. Numerous flourishing settlements had sprung up in the river valleys and elsewhere. Commerce, too, was active on the navigable streams.

**The Enabling Act.** — February 26, 1857, Congress passed an act preliminary to the admission of Minnesota to the Union. The Enabling Act, as it is called, after having defined the boundaries of the State as at present, provided for the calling of a constitutional convention, the taking of a census to determine the representation in Congress, and the disposing of public land for the support of education and internal improvements.

**The State Constitution.** — The first Monday in June the delegates were chosen to the convention, and at midnight the beginning of the second Monday in July they met in the Capitol at St. Paul. The unusual hour of meeting was due to a struggle for supremacy in organization between the Republican and Democratic

wings. They could not agree, however, at this time, and separated. The result was, two rival conventions were organized. But later, harmony having been restored through compromises, they agreed upon the same constitution August 29. In this final form it contained fifteen Articles and a Schedule, as follows :—

*Article I.* is a bill of rights, and provides for the alteration, modification, and reform of government, at any time deemed necessary; against slavery, disfranchisement, and involuntary servitude, save by process of law and for the punishment of crime: for the liberty of the press and freedom of speech: for trial by jury in civil cases; against excessive bail and cruel punishments: for juries, witnesses, and counsel in criminal cases; for indictments by grand jury, the granting of bail, and maintaining the privilege of *habeas corpus*; for remedy on account of injury to person, property, or character; against conviction for treason, save on proper testimony of witnesses: against unreasonable search; against bills of attainder and *ex post facto* laws; against imprisonment for debt; for the exemption of a reasonable amount of property from seizure for debt; against taking private property for public use without compensation; for subordinating the military to the civil power; against feudal tenures, and prolonged leases and grants of agricultural lands; against religious and property tests as qualifications for holding office or the exercise of suffrage; and, finally, for the maintenance of rights inherent in the people, but not mentioned in the Constitution itself.

*Article II.* names the State and defines its boundaries.

*Article III.* distributes the powers of government as legislative, executive, and judicial.

*Article IV.* sets forth the nature and powers of the legislative department.

*Article V.* names the officers of the executive department, and prescribes their powers, duties, and manner of election.

*Article VI.* deals with the courts and judges of the judiciary department.

*Article VII.* states the extent and limitations of the elective franchise.



*Article VIII.* provides for the establishment and support of a public school system, including the State University.

*Article IX.* is devoted to state finances, banks, and banking.

*Article X.* deals with corporations that do not have banking privileges.

*Article XI.* treats of the organization of counties and townships.

*Article XII.* makes it the duty of the Legislature to pass laws for organizing and disciplining the militia.

*Article XIII.* provides for impeachments and removals from office.

*Article XIV.* shows in what manner the Constitution itself may be amended.

*Article XV.* is a miscellany. It provides for a temporary seat of government at St. Paul; for extending privileges of citizenship and taxation to persons residing on Indian lands; for a uniform oath or affirmation; for a seal of the State; and for converting the territorial into a state prison.

**The Schedule.** — Just as it had been necessary to provide for the transition from a previously existing government to that of Minnesota Territory, it was now necessary to provide a similar transition from the government of Minnesota Territory to that of Minnesota State. The plan involved twenty-two specifications relating to various legislative, judicial, and executive affairs. These specifications formed what is called the Schedule.

**Ratification.** — The Constitution was submitted to the people, and ratified October 13, 1857, by a vote of 30,055 against 571, thus giving emphasis to the

*“Preamble. We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.”*



**Admission to the Union.** — Congress finding the Constitution of Minnesota satisfactory, passed an act admitting the State May 11, 1858. By this act Minnesota was allowed two representatives in Congress, and constituted a judicial district of the United States district courts, with the necessary legal provisions for the organization of such a court.

**Amendments.** — During the thirty-five years that have elapsed since the Constitution was adopted, it has been amended in twenty-nine particulars. This shows how impossible it is to frame a constitution good for all time, and proves that to have been a wise clause in the Bill of Rights which reserves to the people the privilege of modifying their form of government when the changes of time imperatively demand it.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What was known of the New World in the time of Louis XIV.?

2. What was learned by Jean Nicolet?

3. Who were the voyageurs, and what were their characteristics?

4. What can you say about the French and English supremacies?

5. Who led the first military expeditions into Minnesota, and what were the purposes of these expeditions?

6. What were the characteristics of Indian life in the time of the later fur traders?

7. Describe the commercial and scientific expeditions.

8. When, where, and by whom were the first missions established?

9. Who were the first settlers?

10. To what governments has the domain of Minnesota been subject?

11. What was the Organic Act, and when was it passed?

12. In whom was the legislative power of Minnesota Territory vested? The executive? The judicial?

13. Mention some things that were required to change from the government of Wisconsin Territory to that of Minnesota.

14. What was the Enabling Act, and when was it passed?

15. When and under what circumstances was the Constitution of Minnesota adopted?

16. How many articles does the Constitution contain, and of what does each treat?

17. What was the Schedule?

18. When and how decisively was the Constitution ratified?

19. Repeat the Preamble to the Constitution.

20. When was Minnesota admitted to the Union?

21. How many times has the Constitution been amended?

## BLACKBOARD OUTLINE.

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### STATE GOVERNMENT.

#### THE LEGISLATURE.

- |                            |                    |
|----------------------------|--------------------|
| 1. Members.                | 5. Privileges.     |
| 2. Powers.                 | 6. Restrictions.   |
| 3. Duties and Obligations. | 7. Bills and Laws. |
| 4. House.                  | 8. Senate.         |

#### THE EXECUTIVE.

- |                         |                      |
|-------------------------|----------------------|
| 1. Governor.            | 4. Auditor.          |
| 2. Lieutenant-Governor. | 5. Treasurer.        |
| 3. Secretary of State.  | 6. Attorney-General. |

#### THE JUDICIARY.

- |                     |                           |
|---------------------|---------------------------|
| 1. Supreme Court.   | 3. Probate Courts.        |
| 2. District Courts. | 4. Justices of the Peace. |

## CHAPTER IV.

### THE DEPARTMENTS OF THE STATE GOVERNMENT.

#### SECTION I. — THE LEGISLATIVE DEPARTMENT.

HAVING in the last chapter considered the Constitution as a whole, it is now the pupil's task to take a particular view of the three principal departments of the state government ; namely, the legislative, executive, and judicial.

**The Legislature.** — The Legislature of Minnesota consists of two houses called the Senate and House of Representatives. Its sessions are biennial and each limited to ninety legislative days. But the days need not be consecutive, thus allowing necessary recesses. The number of members in each house is prescribed by law, and increases with the growth of population ; but the distribution of members throughout the State must be in proportion to the population of the different sections in order that all may be justly represented. This necessarily gives the Legislature the power, were it not specified as it is elsewhere in the Constitution, to set the bounds of the representative and senatorial districts. It also determines in like manner the bounds of congressional districts. In case of a vacancy in the membership of either house the governor is required to issue a writ calling for a special election to fill it.

**Qualifications and Terms of Members.** — A person to become a member of the Legislature must be a citizen, and immediately prior to his election must have been a resident of the State at least one year and his district six months. Before entering upon his duties he must make oath or affirmation to perform them faithfully and to uphold the Constitutions of the United States and the State of Minnesota. The term of a representative is two years ; of a senator, four.

**Powers.** — Each house has power —

1. To determine whether the qualifications and elections of its members are valid.
2. To transact business when a majority of its members is present.
3. To adjourn from day to day when only a minority of its members is present.
4. To compel its members to attend.
5. To determine its rules of business.
6. To set its times of adjournment.
7. To punish and expel members for disorderly conduct.
8. To disfranchise, conjointly with the other house, persons convicted of infamous crimes.
9. To punish citizens for bad behavior in its presence.
10. To elect United States senators conjointly with the other house.

**Duties and Obligations.** — Each house must —

1. Keep and publish a journal of its proceedings, and enter therein all votes taken by yeas and nays.
2. Prescribe the manner of taking evidence when its seats are contested.
3. Allow the public to attend its sessions save when secrecy is important.
4. In all its elections vote  *viva voce*  and have such votes recorded in its journal.
5. Pass laws to prevent monopolies of the food and produce markets of the State.



**Privileges.** — A person is exempt from arrest when going to or from the house of which he is a member or while attending its sessions. But this privilege does not apply in cases of felony, treason, or breach of the peace. Nor can a member be elsewhere called to account for speech or debate in the Legislature. Two or more members may jointly protest against the passage of a resolution which they think injurious to individuals or the public in general, and have their protest recorded in the journal.

**Restrictions.** — No member can be expelled twice for the same offense. Neither house can adjourn for more than three working days at a time ; nor to meet in any other place unless the other house consents. No member can receive an increase of compensation granted during his term. No member can hold office under the United States, save that of a postmaster. No money can be appropriated save by bill. No joint order, resolution, or vote is valid without the governor's signature, save when carried over his veto by a two-thirds vote. No divorces can be granted. No lotteries can be authorized. Finally, no special legislation is allowable in the following particulars: —

“ 1st. For changing the name of a person, or constituting one person the heir-at-law of another.

“ 2d. For laying out, opening or altering highways.

“ 3d. For authorizing persons to keep ferries across streams wholly within this State.

“ 4th. For authorizing the sale or mortgage of real or personal property of minors or other persons under disability.

“ 5th. For changing any county seat.

“ 6th. For assessment or collection of taxes, or for extending the time for the collection thereof.

“7th. For granting corporate powers or privileges, except to cities.

“8th. For authorizing the apportionment of any part of the school fund.

“9th. For incorporating any town or village.

“10th. For granting to any individual, association, or corporation, except municipal, any special or exclusive privilege, immunity, or franchise whatever.

“11th. For vacating roads, town plats, streets, alleys, and public grounds.”

These restrictions of special legislation were for the purpose of preventing local and class enactments which often worked injustice to the people at large besides being a burden upon the Legislature and a source of corruption. All such matters are properly provided for under the general laws of the State.

**The House of Representatives.** — There are certain things peculiar to the House. It elects its own presiding officer. It originates all bills for the raising of revenue. It has the sole power of impeachment, but an impeachment requires the concurrence of a majority of its members.

**The Senate.** — There are certain things, too, peculiar to the Senate. It cannot elect its presiding officer save as a president *pro tempore*, the lieutenant-governor, *ex officio*, being its regular president. It tries all impeachments arising in the House, and in such cases its members are under oath or affirmation to act legally and justly. To convict, two-thirds of the senators must concur.

**Bills and Laws.** — All laws of Minnesota must begin with the expression “Be it enacted by the Legislature of the State of Minnesota.” No law can embrace more

than one subject, and this subject must be expressed in its title. Unless under the suspension of rules, a bill must be read three times in each house on three different days. A majority of the full membership of each house is required to pass a bill, and the vote of each house upon the same must be recorded in its journal. Every bill that passes must be enrolled, and signed by the presiding officers of both houses. It is then necessary to present it to the governor for his signature. Should he refuse to sign it, a two-thirds majority of both houses may pass it over his veto. Or if he does not return it within three days, Sunday excepted, it becomes a law without his signature; provided that its return is not prevented by the adjournment of the Legislature. No new bill can be introduced during the last twenty days of a session without the written consent of the governor. Nor can a bill be passed on the day of final adjournment. Nevertheless it may be enrolled, signed, or transmitted from house to house or to the governor on that day.

## SECTION II. — THE EXECUTIVE DEPARTMENT.

**Executive Officers.** — The principal executive officers of Minnesota are the governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, each serving two years, save the auditor, whose term is four. All are bound by oath or affirmation to perform their duties faithfully.

**Governor.** — The governor must be at least twenty-five years of age. It is his duty to communicate with the Legislature from time to time, by message, relative

to the welfare of the State. He is commander-in-chief of the military and naval forces of the State, and may call upon them to suppress insurrections. He has power within the State to grant reprieves and pardons after persons have been convicted, save in the case of impeachments. He appoints the state librarian, notaries public, and other officers that the law may designate. He has power to fill vacancies in elective offices until the next subsequent election, and in appointive offices until the next meeting of the Legislature. He may call extra sessions of the Legislature in cases of emergency. In all cases he must faithfully execute the laws.

**Lieutenant-Governor.** — The lieutenant-governor is president of the Senate by virtue of his office, and is successor of the governor in case of a vacancy; and if for any reason his own office becomes vacant, the president *pro tempore* of the Senate succeeds him.

**Secretary of State.** — The secretary of state is the custodian of the state seal, laws, and documents. He issues state papers, such as proclamations, under the direction of the governor; and he records instruments formulated under the statutes, such as the articles of incorporation of stock companies.

**Auditor.** — Just as the name implies, the auditor is the hearer — that is, of all financial claims against the State; and he issues warrants upon the state treasurer for the payment of those he deems valid. He computes the amount of appropriations necessary for the running expenses of the State, and when passed by the Legislature levies them upon the taxable property of the State. He is *ex officio* land commissioner; and as such he has



power to sell or lease, subject to law, the school, internal improvement, and other lands belonging to the State.

**Treasurer.** — The treasurer collects state taxes, interest on bonds held by the State; in short, moneys due it from whatever source. He pays interest on bonds issued by the State itself, distributes the funds of the state institutions and public schools, and pays on the warrant of the auditor any and all of the lawful obligations of the State. To insure care and honesty, he is frequently required to make an exact statement of his receipts and disbursements, and the treasury is subject to periodic inspection by the governor, auditor, and secretary of state acting jointly.

**Attorney-General.** — The attorney-general advises the Legislature and state officials upon all difficult points of law referred to him, and in such cases his opinions have the force of statute law, until set aside by decisions of the supreme court or further enactments of the Legislature. He is also prosecuting attorney or directing counsel in all cases to which the State is directly a party.

### SECTION III. — JUDICIAL DEPARTMENT.

**Courts.** — The Constitution establishes a supreme court, district, probate, and justice courts, and provides that other inferior courts may be established by legislative enactment.

**Supreme Court.** — At present the supreme court consists of a chief justice and four associate justices. The term of each is six years. The court appoints a reporter to note its decisions and proceedings. It also has a



clerk who is elected by the people once in four years ; but in case of a vacancy in his office a majority of the justices have power to fill it. In certain remedial cases the court has original jurisdiction, and appellate jurisdiction in all other cases, both as to law and equity. It sometimes happens that a majority or all of the justices are disqualified to try a case by reason of personal relations to it. Under such circumstances, the governor or, if he too is party to it, the lieutenant-governor, appoints judges of the district court to serve ; and for the cases in dispute, they exercise the full power of justices of the supreme court.

**District Courts.** — For judicial purposes the State is divided into districts, each having a court styled the district court. At present there are sixteen district courts in the State. Each district may have one or more judges, as prescribed by law, and elects its own judges for a term of six years. There are now twenty-eight district judges. A judge must reside in his district when elected, and continue to reside in it until his term expires.

Each district court has a clerk in each county within its district. He is elected by the people of the county, and his term of service is four years.

The district courts have original jurisdiction in civil cases when the amount in dispute exceeds a hundred dollars, and in criminal cases if the term of imprisonment exceeds three months. Their appellate jurisdiction is prescribed by law.

**Probate Courts.** — There is a probate court in each county. It has one judge elected by the people for a term of two years. He appoints his own clerk, but the

Legislature may at any time provide for the election of a clerk. The duties of a judge of probate include the settlement of estates, the appointment of guardians for minors and for adults mentally diseased, and the issuing of orders for the incorporation of cities.

**Justices of the Peace.** — The Legislature determines the number of justices of the peace. At the present time there are two in each township or village, and two or more in each city. Save in certain cases, such as attachments of property, the jurisdiction of a justice court does not extend beyond the limits of the county in which it is situated. The jurisdiction of a justice of the peace does not extend to civil cases involving a money value greater than one hundred dollars, nor to criminal cases whose penalty is more than three months' imprisonment.

**Miscellaneous Provisions.** — The Constitution provides that the judges of the supreme and district courts "shall be men learned in the law"; that their compensation shall not be diminished during their terms; and that they shall receive no other fees or rewards.

The judges of all other courts not mentioned above must be elected from the cities or counties for which the courts were created; but a term of service cannot be greater than seven years without a new election.

The justices of the supreme and district courts are not eligible to United States or other state offices.

The Legislature can create new judicial districts and change the boundaries of old, but by so doing cannot dismiss a judge from office.

A court commissioner, with the power of a district judge-at-chambers is elected for each county.

All legal pleadings and proceedings begin, "The State of Minnesota" and end, "against the peace and dignity of the State of Minnesota."

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### QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. How many houses are there in the Minnesota Legislature, and how are their memberships determined?
2. What are the qualifications and terms of state senators and representatives?
3. State ten powers belonging to both houses.
4. State five duties and obligations of both houses.
5. What privileges do legislators possess?
6. What restrictions are placed upon the members and houses?
7. State eleven forms of special legislation that are forbidden.
8. What powers and restrictions are peculiar to the House?
9. What powers and restrictions are peculiar to the Senate?
10. Through what order must and through what order may a bill pass before it can become a law?
11. Name the six chief executive officers of Minnesota.
12. What are the duties of the governor?
13. What are the duties of the lieutenant-governor?
14. What are the duties of the secretary of state?
15. What are the duties of the auditor?
16. What are the duties of the treasurer?
17. What are the duties of the attorney-general?
18. Describe the organization of the supreme court.
19. How are the district courts constituted, and how many districts and judges are there at the present time?
20. What is the jurisdiction of a probate court?
21. State four important points respecting justices of the peace.
22. What does the Constitution say in reference to judges of the supreme and district courts?
23. What are the duties of clerks of courts and court commissioners?

## CHAPTER V.

## ADMINISTRATIVE DEPARTMENTS, BUREAUS, COMMISSIONS, AND OFFICERS.

IN a great state the public business increases rapidly in proportion to the general development of the state itself. This has given rise in Minnesota to various departments, commissions, bureaus, and offices more or less closely related to the chief executive departments already considered.

**Adjutant General.** — While the governor of the State is the nominal commander-in-chief of its militia, its actual direction and command is delegated to the adjutant general. Consequently all general orders to the Minnesota National Guard are issued by him. By statute, also, he is made prosecuting attorney or agent for all worthy soldiers and sailors, or the widows, orphans, and dependent parents of the same, who are seeking pensions from the United States. In this capacity, he serves without fee or reward of any kind.

**Insurance Department.** — The head of this department is called the insurance commissioner. It is his duty to prevent dishonest insurance companies from doing business in the State ; to see that honest companies do not ignorantly or carelessly neglect its laws in reference to the security and payment of losses ; and to collect fees from these companies for defraying the expenses of the



department, relieving injured firemen, and helping to maintain better fire departments in the cities of the State.

**Department of Public Instruction.** — This department is under the direction of the superintendent of public instruction. His chief duties are —

1. To confer from time to time with the county superintendents respecting the best methods of organization and discipline for the public schools.

2. To conduct teachers' institutes and training schools annually at suitable places throughout the State.

3. To collect and arrange statistics showing the condition of the public schools and other educational institutions.

4. To apportion the public school funds semiannually.

5. To make to the Legislature at its regular sessions a comprehensive report of the educational condition of the public schools and higher institutions of learning.

The superintendent is also *ex officio* member and secretary of the State Normal and High School Boards and member of the Board of Regents of the University.

**Railroad and Warehouse Commission.** — This commission consists of three members appointed by the governor. They have power to fix and enforce a regular and equitable schedule of rates upon the railroads of the State. They also have power to supervise the grain trade at terminal points like St. Paul, Minneapolis, and Duluth. Acting in this capacity, they fix the "grades" or relative qualities of grain, and appoint inspectors and weighers to carry out their directions.

**Dairy and Food Commission.** — This board is made up of a chief and two assistant commissioners, a chemist, and a secretary. Through its authorized agents it care-



fully inspects the dairies and food markets to detect and punish the vendors of spurious and adulterated dairy products and other foods. Everything, beginning with careful analyses of specimens by the chemist, is carried out systematically, resulting in great good to consumers.

**Land Commissioner.** — The State of Minnesota owns thousands of acres of agricultural, mineral, and timber lands, classified otherwise as school, swamp, and internal improvement lands. To protect, lease, and sell these requires a great deal of labor. This responsible duty is assigned by law to the state auditor, who is *ex officio* land commissioner.

**Printing Commission.** — The secretary of state, auditor, and treasurer are the commissioners of printing. They let the contracts for printing blanks, reports, documents, and forms of whatever character required. The person holding the contracts, for a specified time, is called the public printer, and the person employed by the commission to supervise the work, as to form, quality, and charges, is called the expert printer.

**Commissioner of Statistics.** — At one time this officer was the general statistician of the State, but now his duties are confined to the collecting of such agricultural statistics as are deemed of economic value. At present the assistant secretary of state is commissioner of statistics.

**Fish Commission.** — It is the duty and work of the fish commissioners to stock the lakes and rivers of the State with the best varieties of fish suited to its climatic conditions. To do this, they have established hatcheries where the young fish are developed from the egg until old enough for distribution.

**Bureau of Labor.** — This bureau is an outgrowth of certain labor movements immediately preceding the year 1887. It is required, first of all, to see that all laws relating to the welfare of the laboring classes in factories and other places are faithfully carried out. This it prepares itself to do by personal inspection of places of labor. Some of the laws to be enforced relate to the employment of children, matters of health, and protection against accidents. In the second place, the bureau is required to collect statistics pertaining to the various phases of the industrial and social conditions of the laboring classes. These statistics it presents biennially to the Legislature.

**Public Examiner.** — The public examiner holds a very important position. He is a financial agent of the State with full power to inspect and supervise the books and business methods of all county and state financial officers, of banks organized under state laws, of loan and trust companies, national building associations as to their business within the State, and local building associations in towns of ten thousand or more inhabitants. The work of this officer has already brought about needed business reforms and insured greater honesty in dealing among these institutions and officers.

**Boiler Inspector.** — The great loss of life and property from the improper handling of boilers led to the appointment of a boiler inspector and assistants. No person can now run a steam engine, or be master or pilot of a steam vessel on the inland waters of the State, without a license from the inspector. And all boilers and steam vessels must be examined annually. However, these laws do not apply to locomotive engi-

neers, a class of men always skilled, nor to boilers properly inspected by insurance companies.

**Inspector of Illuminating Oils.** — The duty of this officer requires him to inspect all illuminating oils in the market of the State, and to prevent the sale of those dangerously explosive. He employs several assistants, who, like himself, are paid out of fees charged for inspection.

**Surveyors of Logs and Lumber.** — The lumber interests of Minnesota are extensive. Millions of feet of logs are annually cut in the pine forests in its northern part, and floated down its rivers to the mills and markets. Certain officers, called surveyors of logs and lumber, are employed to scale or measure these logs and to determine the proper owners when the logs are being sorted in the booms for the purpose of rafting them to owners or purchasers. The surveyors also record existing bills of sale, liens, and mortgages, against the logs of different owners. The total measurements made must be reported to the Legislature biennially.

**State Librarian.** — While the state library was established to preserve books, pamphlets, charts, and documents of a miscellaneous character, it is made up for the most part of books of law to which all citizens of the State may have free access. The library is under the direction of the judges of the supreme court, but in the immediate charge of an appointive officer called the state librarian.

**State Geologist.** — The state geologist, strictly speaking, is not a state officer and does his work under the direction of the regents of the University. Yet his work is special in character, and is performed for the

people of the State at large. Under him the geological and natural history surveys of the State have been carried on steadily for many years, and very valuable permanent results have been obtained and published.



## CHAPTER VI.

### BOARDS OF CONTROL, SOCIETIES, AND ASSOCIATIONS.

STILL farther removed from the chief executive departments than those studied in the last chapter, yet performing very important functions, we find several boards, societies, and associations.

**Boards of Control.** — These boards having very clearly defined directory power, are sometimes called boards of control. It will be seen that four of them pertain to the health of the people; one to their financial and one to their legal welfare; and one to the economic interests of the producing classes. They are named and described as follows:—

1. The Board of Equalization is composed of the governor, auditor, attorney-general, and one elector from each judicial district. It meets every September and equalizes the valuations placed by assessors upon the real and personal property throughout the State.

2. The Board of Medical Examiners is composed of ten physicians of known ability and good standing. All applicants for licenses to practise medicine must pass its examinations. In this way incompetent persons are barred from imposing upon the people.



3. The Board of Pharmacy consists of five pharmacists. All retailers and dispensers of drugs must hold its certificates.

4. The Board of Dental Examiners has the granting of licenses to dentists. It has five members who are practising dentists.

5. The Board of Health and Vital Statistics is composed of seven physicians. It is required "to make sanitary investigations and inquiries respecting the causes of disease, especially of epidemics; the sources of mortality, and the effects of localities, employments, conditions, and circumstances on the public health."

6. The Board of Law Examiners has one member for each congressional district. It examines all candidates for admission to the bar in respect to their legal abilities.

7. The Board of Farmers' Institutes consists of six members. Its duties require it to hold institutes or conventions for the purpose of imparting knowledge concerning the best methods of agriculture, horticulture, dairying, and stock-raising.

**Societies.** — There are four societies organized under the laws of the State, three of them in a large degree supported by its bounty, which deserve notice.

1. The Agricultural Society has extensive grounds and buildings in the city of St. Paul. By its suggestive annual exhibits and liberal premiums it is doing much to promote agricultural progress.

2. The Horticultural Society gives special attention to the advancement of pomology, horticulture, and arboriculture.

3. The Society for the Prevention of Cruelty to Animals is doing in a faithful way the noble work expressed in its name. It has many branches. Its officers have the power of constables, which they exercise freely whenever cases of extreme cruelty occur.

4. The Historical Society was organized under the laws of the Territory. It is the oldest society in the State, and receives from it a liberal annual appropriation. Its most important function is to collect all valuable antiquarian relics and historical data, recent and aboriginal, pertaining to the State and Northwest. Beyond that, its historical collections and researches are general.



**Associations.** — Two important associations are sustained by the State.

1. The Dairyman's Association disseminates knowledge respecting the best modes of dairying, and holds annual fairs at which it distributes premiums.

2. The Forestry Association has for its purposes the preservation of the native forests, and the planting and cultivation of new forests.

## CHAPTER VII.

## STATE INSTITUTIONS OF CORRECTION AND CHARITY.

THE care which a state bestows upon its unfortunate citizens and children is one of the best indications of its progress in civilization. Measured by this standard, Minnesota compares well with her sister states.

**Board of Corrections and Charities.** — The general supervision of the institutions of correction and charity, state or local, is delegated by law to the State Board of Corrections and Charities. This board has six members, of whom, for obvious reasons, not more than three can belong to the same political party. Its chief duties are specified as follows : —

1. To inspect the institutions under its charge.
2. To investigate, under the governor's direction, cases of mismanagement.
3. To prescribe the forms of their statistical reports.
4. To criticise the plans of local jails and poor-houses with a view to improving them.
5. To co-operate in every way possible with executive boards and officers in order to promote the economic and moral welfare of these institutions.
6. To report biennially to the Legislature.

**Insane Asylums.** — Minnesota has three insane asylums ; the First, so called, at St. Peter, the Second at Rochester, and the Third at Fergus Falls. The build-

ings belonging to them are extensive and fitted up in the most approved manner. These asylums are under the immediate direction of a board of nine members. Each asylum has a steward, a medical superintendent, and corps of assistant physicians and attendants.

**Institute for Defectives.** — The Institute for Defectives has three branches; namely, the School for the Deaf, the School for the Blind, and the School for the Feeble-Minded. The institute is controlled by a board of seven members, two of whom, the governor and superintendent of public instruction, are members *ex officio*. Each of these schools has a superintendent and a faculty of competent instructors. The Institute is situated at Faribault.

**State Public School.** — The State Public School for Neglected and Dependent Children is situated at Owatonna. It is an institution of recent establishment and is controlled by a board of three members. Its name indicates the classes of children admitted to it. It has already done great good. The boys are taught to work in the gardens and shops, and the girls are taught sewing, cooking, and other domestic duties. Besides, all are instructed in the branches of a common school education. As soon as possible after they enter school, homes in families are found for the children; but for some time after adoption the authorities of the school continue to watch over them to insure proper treatment. If the children do not receive this, they are brought back to the school.

**Soldiers' Home.** — The Minnesota Soldiers' Home is situated at Minnehaha Falls, within the corporate limits of Minneapolis. It is under the direction of a board of

seven trustees. It was established for the benefit of aged and infirm soldiers and sailors of the United States who also are citizens of Minnesota.

**The Reform School.** — The Reform School, formerly called the House of Refuge, was for many years situated at St. Paul, but is now at Red Wing, where a large farm and modern buildings and appliances have been provided for it. Its board of managers consists of five members.

Boys and girls who are too incorrigible to be controlled at home are sent to it. Besides the rudiments of an education, they are taught useful trades. The requirements of the institution are rigid but kind. Through its discipline many vicious children have been redeemed.

**The Reformatory.** — Hitherto, in the history of states and countries, persons guilty of crimes, whether of a mild or of a heinous character, have been thrown into prison and often subjected to harsh not to say cruel treatment. The people are now beginning to take another view of the matter, and to assert that a state must seek to reform as well as to restrain and punish its criminals. With this end in view, the State of Minnesota has established a reformatory at St. Cloud. Persons who have taken the first steps in crime, but who are too old to send to the Reform School, are imprisoned in the Reformatory. The system of the Reformatory is paternal and elastic. The severity of a prisoner's punishment is largely determined by his attitude toward discipline and reformation. The Reformatory is still in the experimental stage, but is doing a noble work. It is under the control of a board of six managers.

**The State Prison.** — The State Prison still exists for hardened criminals who are dangerous, or unsusceptible to influences of reform. But hereafter in its administration it is certain to feel the influence of the milder methods of the Reformatory. This prison is situated at Stillwater. There are five managers in its board. The chief officer of the prison is called the warden. He is assisted by deputy wardens and guards.



QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. What are the duties of the adjutant general?
2. What are the duties of the insurance commissioner?
3. Specify five duties of the superintendent of public instruction.
4. What are the duties of the Railroad and Warehouse Commission?
5. What are the duties of the Dairy and Food Commission?
6. Who acts as land commissioner, and what are his duties?
7. State clearly what you know about the Printing Commission, the public printer, and the expert printer.
8. What were the former duties and what are the present duties of the commissioner of statistics?
9. For what purpose was the Fish Commission constituted?
10. Describe the Bureau of Labor and its work.
11. State the duties of the public examiner.
12. State the duties of the inspectors of boilers and illuminating oil.
13. What duties belong to a surveyor of logs and lumber?
14. Tell what you know about the state library and the state librarian.
15. What is the nature of the state geologist's work?
16. Name and describe the work of seven boards of control, four societies, and two associations, all either fostered or controlled by the State.
17. What are the duties of the Board of Corrections and Charities?
18. Name the insane asylums, and tell where they are situated.
19. What is the Institute for Defectives?
20. For what was the State Public School established?
21. For whom was the Soldiers' Home established?
22. Compare the Reform School, Reformatory, and State Prison, and show in what respects they differ from one another.

## BLACKBOARD OUTLINE.



### EDUCATION.

#### DISTRICTS.

- |            |                 |             |
|------------|-----------------|-------------|
| 1. Common. | 2. Independent. | 3. Special. |
|------------|-----------------|-------------|

#### SCHOOLS.

- |                        |  |                |
|------------------------|--|----------------|
| 1. Ungraded.           |  | 2. Graded.     |
| 3. State High Schools. |  |                |
| 4. Normal Schools.     |  | 5. University. |

#### PUBLIC SCHOOL FUNDS.

- |         |   |                       |
|---------|---|-----------------------|
| Current | { | General.              |
|         | { | State School Tax.     |
| Local   | { | One Mill County Tax.  |
|         | { | District Special Tax. |

## CHAPTER VIII.

## EDUCATION

THE work of education in Minnesota, below the University and normal schools, is conducted on the district system. Of these districts there are three kinds, called common, independent, and special.

**Common Districts.** — Common districts are organized according to law by the county commissioners when properly petitioned by the people concerned. There is no uniformity in the extent of territory included in these districts. Local conditions and circumstances determine this. The schools are for the most part ungraded. A common school district is controlled by a board of three trustees. These officers are named clerk, treasurer, and director. However, the government of the district is partly democratic. The most important questions relating to it are determined by the people at an annual meeting, and special meetings called from time to time. Common districts are for the most part confined to the country, and are under the supervision of a county superintendent.

**Independent Districts.** — Independent districts are also organized according to statute. These districts are peculiar to villages and cities, and their schools are usually graded. The government of such districts, like the common, is partially democratic. Each has a board

of six members. The officers of the board are a president, secretary, and treasurer. Each district, too, employs its own superintendent, examines its own teachers, and is not subject to the county superintendent save in the matter of making annual reports.

**Special Districts.** — Special districts have hitherto been organized, and, as might be inferred from the name, under special acts of the Legislature whenever peculiar municipal and other local conditions seemed to warrant it. In general character they are like independent districts, yet are in certain particulars as various in government and privileges as the acts establishing them. Under the amendment to the Constitution preventing special legislation, such districts cannot now be organized.

**State High Schools.** — To encourage higher education, the Legislature has enacted a law establishing state high schools. These schools in reality belong to the graded systems in special and independent districts, but are also voluntarily subject to the rules and regulations of the State High School Board, which consists of three members ; namely, the governor of the State, the president of the University, and the state superintendent of public instruction. If found upon inspection to be working in accord with the regulations of the board, the schools are granted an annual appropriation from the state treasury. During the school year ending in 1892, there were sixty-two of these schools under state supervision.

**Normal Schools.** — Minnesota has so far four normal schools. Together they form what might be called an auxiliary system of the public schools, having for their

purpose the education and professional training of teachers for these schools. They are situated at Winoona, Mankato, St. Cloud, and Moorhead. They receive an aggregate annual appropriation of seventy-seven thousand dollars, and occasional appropriations for permanent improvements. The government of the schools is entrusted to a board of nine members, four of whom are resident directors.

**University.** — The University of Minnesota, situated at Minneapolis, is the successor of the Territorial University. At present it has five important colleges and departments described as follows: The College of Science, Literature, and Arts, offering three courses of study; the College of Mechanic Arts, offering four courses; the College of Agriculture, to which is attached the preparatory School of Agriculture; the Department of Law; and the Department of Medicine, including the College of Medicine and Surgery, the College of Homeopathic Medicine and Surgery, the College of Dentistry, and the School of Pharmacy.

The University is governed by a board of twelve regents. It is supported partly by the interest of its permanent fund, and partly by special and standing legislative appropriations. Its annual standing appropriation is now sixty-five thousand dollars, and the interest on its permanent fund about thirty-five thousand. The permanent fund amounts to nearly a million dollars. Of its land grants, including agricultural college lands, about fifty-five thousand acres remain unsold.

**Public School Lands.** — The pupil will recall that the Organic Act of the territory reserved sections sixteen and thirty-six in each township for the support of the



public schools; that is, the schools described above under common, independent, and special districts. By legislative enactment, none of these lands can be sold for less than five dollars an acre. They often bring much more. The money accruing from sales constitutes a permanent fund, no part of which can ever be expended, only the interest being available for the support of the schools. At this time the fund amounts to about ten million dollars, and there yet remain about seven hundred fifty thousand acres of land unsold. When all of the lands are sold, it is estimated that the fund will amount to nearly twenty million dollars.

**Current and Special School Funds.** — The current school fund is made up of the annual state school tax fund and the general school fund, the latter being the annual interest on the permanent fund mentioned in the last paragraph. The state school tax is one mill levied on the total real estate and personal property valuation of the State. The current fund, so made up, is the one distributed semiannually by the superintendent of public instruction. It amounts now to about a million dollars a year. Besides this large fund there are two others. One is a local mill tax levied on the property within each county, the other is the variable special tax which each school district, in order to share in the current fund of the State, must vote annually for the running expenses of its school, in addition to what it may choose to vote for permanent improvements.

## QUESTIONS, TOPICS, AND SUGGESTIONS FOR REVIEW.

Designed to recall what has been already learned and to suggest further thought, reading, and study.

1. How is a common school district organized and governed?
2. How is an independent district organized and governed?
3. How were special districts organized?
4. What are state high schools, and how are they supervised?
5. What is the work for which the normal schools were instituted?
6. Where are the normal schools situated, and how are they supported?
7. How are the normal schools governed?
8. Name the departments and colleges of the University.
9. How is the University governed?
10. How is the University supported?
11. What can you say of the public school land?
12. What funds constitute the current school fund?
13. Describe two local school funds.
14. How large is the permanent school fund at date?
15. How large is the University fund at date?

## BLACKBOARD OUTLINE.

### LOCAL GOVERNMENT.

#### COUNTIES.

##### *Officers.*

- |                               |                         |
|-------------------------------|-------------------------|
| 1. Commissioners.             | 7. Attorney.            |
| 2. Auditor.                   | 8. Sheriff.             |
| 3. Register of Deeds.         | 9. Coroner.             |
| 4. Surveyor.                  | 10. Clerk of Court.     |
| 5. Superintendent of Schools. | 11. Court Commissioner. |
| 6. Judge of Probate.          |                         |

#### TOWNSHIPS.

- |                   |                      |
|-------------------|----------------------|
| 1. Congressional. | 3. Corporate Powers. |
| 2. Organized.     | 4. Meetings.         |

##### *Officers.*

- |                 |                           |
|-----------------|---------------------------|
| 1. Supervisors. | 5. Assessor.              |
| 2. Clerk.       | 6. Overseers of Highways. |
| 3. Treasurer.   | 7. Board of Review.       |
| 4. Constables.  | 8. Justices.              |

#### VILLAGES.

##### *Officers.*

- |              |            |                         |
|--------------|------------|-------------------------|
| 1. President | } Council. | 4. Marshal.             |
| 2. Trustees  |            | 5. Constables.          |
| 3. Recorder  |            | 6. Justices.            |
|              |            | 7. Street Commissioner. |

## CHAPTER IX.

## LOCAL GOVERNMENT.

So far the pupil has been studying the governments of the Territory and State in their many phases, but several important forms of local government yet remain for him to consider. They are the governments of counties, townships, villages, and cities.

**Counties.** — The county is the largest geographical subdivision of the State. Minnesota has seventy-eight organized and two unorganized counties at the time this book goes to press. The areas of some of them are quite extensive. Minnesota would make about sixty-four states as large as Rhode Island, and its largest counties would each make from two to five such states. Thus it will be seen that the extent of its domain, not to speak of other things, makes the government of one of these counties a matter of considerable importance.

**County Officers.** — The county officers in Minnesota are a board of county commissioners, auditor, treasurer, register of deeds, surveyor, superintendent of schools, judge of probate, county attorney, sheriff, coroner, clerk of court, and court commissioner. The duties of most of these officers are explained on pp. 29–32 of the other book in this volume, save that the pupil should read county attorney in place of district attorney. Those mentioned under courts in this book are the judge of

probate, the clerk of courts, and the court commissioner. The surveyor determines the boundary lines and measurements of lands concerning which disputes have arisen.

**Townships.**— The Minnesota township, geographically speaking, is six miles square. How it is subdivided and related to other townships is clearly explained on pp. 126, 127 of the book preceding this.

**Organizing Towns.**— Before a township is organized it is called a congressional township. To be organized, it must have at least twenty-five legal voters residing in it. If a majority of these petition the county commissioners to organize the town, the commissioners must proceed to do so, providing, as directed by law, to determine the boundaries of the township, to name it, and to designate the place for holding its first town meeting.

**Corporate Powers.**— An organized town is a corporation having power—

“1. To sue and be sued.

“2. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the powers of the Legislature.

“3. To make such contracts, purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers.

“4. To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interests of its own inhabitants.”

**Town Meetings.**— Each town holds an annual meeting. The time fixed for this is the second Tuesday of March. At this meeting, the electors choose three supervisors, one of whom is chairman, a town clerk, treasurer, assessor, two justices of the peace, two constables,



and one overseer of highways for each road district. The justices and constables serve two years each, the other officers one year each. The electors have power also at this meeting —

1. To provide for pounds and pound masters.
2. To direct legal actions in cases to which the town is party, and to provide means therefor.
3. To regulate fence-building and the impounding of animals.
4. To pass herd laws.
5. To impose limited penalties for breaking the rules and regulations of the town, save in cases specified in law.
6. To raise money for constructing roads and bridges, for supporting the poor, and paying the necessary expenses of the town.

Special town meetings may be called to fill vacancies in office, or transact business, whenever the supervisors, justices, and clerk, or any two of them, with twelve or more freeholders, file a statement in the clerk's office declaring the meeting necessary.

**Duties of Supervisors.** — The supervisors are the chief executive officers of the town. All business not delegated to the other officers, or belonging to the people themselves, may be transacted by them. In particular, they may or shall, as the case may be, —

1. Act as fence viewers.
2. Act as a board of health.
3. Act as a board of auditors in the matter of bills payable by the town.
4. Draw orders for the disbursement of town moneys.
5. Direct the legal actions of the town.
6. Act as judges at elections.

When acting as an auditing board, if one of the supervisors is absent, one of the justices must be called

in to act for him ; or if two are absent, two justices must serve for them.

Ordinarily, two supervisors constitute a quorum.

**Clerk's Duties.** — The town clerk must record the minutes of the town meetings, and orders, directions, rules, and regulations passed at such meetings. He acts as the custodian of all books of record belonging to the town, and must file and preserve its papers and audited accounts. He is required, too, to send the names of the newly elected constables and justices to the clerk of the district court, to post notices of town meetings, and to act as one of the clerks at elections.

**Treasurer's Duties.** — The treasurer receives, takes charge of, and disburses the money of the town. All disbursements must be made upon the order of the town or its supervisors. The treasurer must keep an accurate account of the amounts and sources of receipts, and the amounts and purposes of disbursements. He is required to file a detailed statement of his accounts, with the town clerk, within the five days preceding the annual meeting.

**Assessor.** — It is the duty of the assessor to determine as accurately as may be the valuation of each piece of real estate in the town, and the valuation of each resident's personal property. This is for the purpose of taxation.

**Overseers of Highways.** — The overseers of highways look after the construction of roads and bridges and see that they are kept in repair.

**Justices and Constables.** — The duties of a justice have been sufficiently explained in Section III. of Chapter IV. A constable is a court officer who serves papers and makes arrests.

**Board of Review.** — The assessor, town clerk, and chairman of the supervisors constitute a board of review to see that no property within the township, through oversight or otherwise, escapes taxation; and to so equalize valuations that nobody's property is unjustly taxed.

**Villages.** — It often happens that commercial, manufacturing, or other interests create thickly settled communities within a township. These communities soon find its government inadequate to provide for their peculiar needs, and take steps to sever themselves from it by securing village charters. Such a community in Minnesota must have at least one hundred seventy-five inhabitants before it can be organized as a village, and at least thirty of them must petition the county commissioners for the organization. In general, a village has the same corporate powers and obligations as a town.

**Officers of a Village.** — The officers of a village correspond very nearly to those of a town. A president, a treasurer, a recorder, a marshal, a street commissioner, and three trustees are elected for one year; and two justices of the peace and two constables for two years.

**The Village Council.** — The president, recorder, and three trustees constitute the village council or executive board. It will be seen from what follows that their powers while in some cases parallel to those of town supervisors are more extensive. They may —

1. Appoint pound masters, village attorney, sextons, fire wardens, street commissioners, special and permanent police, a board of health, and three judges of election for each election district.

2. Number houses, lay out streets, establish a fire department,

establish markets, purchase and care for cemeteries, grant licenses of various kinds, restrain lotteries, establish and maintain public libraries, build watchhouses or lock-ups, provide street lights, regulate the use of public wells and cisterns, establish and regulate harbors and docks, build levees, and pass and enforce all necessary ordinances within their province.

**Cities.** — Conditions similar to those leading to the incorporation of villages, but greater in number, lead to the more complex organizations of cities. The government of Minnesota cities is similar to that described elsewhere in this volume, and need not have a more particular explanation here.

**Nature of Local Government.** — The thoughtful pupil has no doubt noticed that local government in the township is somewhat democratic, and becomes in the village more representative in character. It may be stated in conclusion that it is still more centralized in cities. This centralization is a blessing when officers are honest and capable, but often works great harm when they are dishonest or inefficient. At the present time, how to secure an honest and efficient municipal government is an unsolved problem.

QUESTIONS, TOPICS, AND SUGGESTIONS FOR  
REVIEW.

Designed to recall what has been learned and to suggest further thought, reading, and study.

1. How many organized and how many unorganized counties in Minnesota?
2. Give the official titles of county officers.
3. State briefly the duties of each county officer.
4. What is a congressional township?
5. How are townships organized?
6. State the corporate powers of towns.
7. When and how are township officers chosen?
8. When must town meetings be held? When may they be held?
9. Name the town officers and the terms for which they serve.
10. Name six things the electors have power to do at a town meeting.
11. How many supervisors are there, and what is one of them called?
12. Specify five duties of the supervisors.
13. What are the town clerk's duties?
14. What are the town treasurer's duties?
15. What are the assessor's duties?
16. What are the duties of the overseers of highways?
17. What are the duties of a constable?
18. Why are villages organized?
19. Name the officers of a village.
20. How is a village council constituted?
21. What are some of the powers of a village council different from those of township supervisors?
22. What is the nature of local government?



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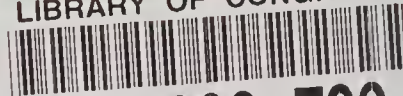








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